



## AGENDA

Zoning Board of Appeals/Planning Commission

**Tuesday, November 24, 2020 – 6:00 pm**

*This meeting will be held via Zoom due to COVID-19 safety precautions*

### **Directions to join the meeting:**

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join. <https://us02web.zoom.us/j/81473314318>

Or join by phone:

Dial (for higher quality, dial a number based on your current location):

US: +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799 or +1 646 558 8656 or +1 301

715 8592 or +1 312 626 6799

Webinar ID: 814 7331 4318

International numbers available: <https://us02web.zoom.us/j/81473314318>

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## ZONING BOARD OF APPEALS

1. **CALL TO ORDER:**

2. **ROLL CALL:**

Chairman:	Lyle Achziger
Vice-Chairman:	Kalen Myers
Commissioners:	Billy Castillo
	Mark LeClere
	Robert S. Phillips, III

3. **INNOVATIVE FOOD VARIANCE:**

Innovative Foods, a meat processing company located in Evans Industrial Park at 4320 Industrial Parkway, is requesting two (2) variances in the I-1 zone district to accommodate site renovation and improvements in the wake of a fire early this year.

Lauren Richardson, City Planner, for City of Evans

**\*\*Motion/Vote:**

4. **MOTION TO ADJOURN:**

**\*\*Motion/Vote:**



## PLANNING COMMISSION

1. **CALL TO ORDER:**

2. **ROLL CALL:**

Chairman: Lyle Achziger  
Vice-Chairman: Kalen Myers  
Commissioners: Billy Castillo  
Mark LeClere  
Robert S. Phillips, III

3. **APPROVAL OF THE AGENDA:**

**\*\*Motion/Vote:**

4. **APPROVAL OF THE MINUTES:** 10/27/2020

**\*\*Motion/Vote:**

5. **CODE AMENDMENT:**

- Repeal and Replacement of Sections 18.06.060, 18.06.070, 18.06.080 and 18.06.090 to create a unified Redevelopment process; to bring Plot Plans (18.06.090) and Site Plans (18.06.090) together with Special Use Permits (18.06.060) in one land use Chapter of the Code;
- Creation of a Redevelopment land use process;
- Amendment to the Residential Zone Districts Dimensional Standards and the Zoning Tables found in Chapter 18.04;
- Amendment to the Public Notice requirements found in Chapter 18.10;
- Addition to the Definitions found in Chapter 18.03;
- Clarification of the intent of Development Standards found in Chapter 18.08.

Anne Best Johnson, Community Development Direction, for City of Evans

6. **REPORT BY STAFF:**

7. **MOTION TO ADJOURN:**

**\*\*Motion/Vote:**

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# BOARD OF ZONING APPEALS AGENDA REPORT

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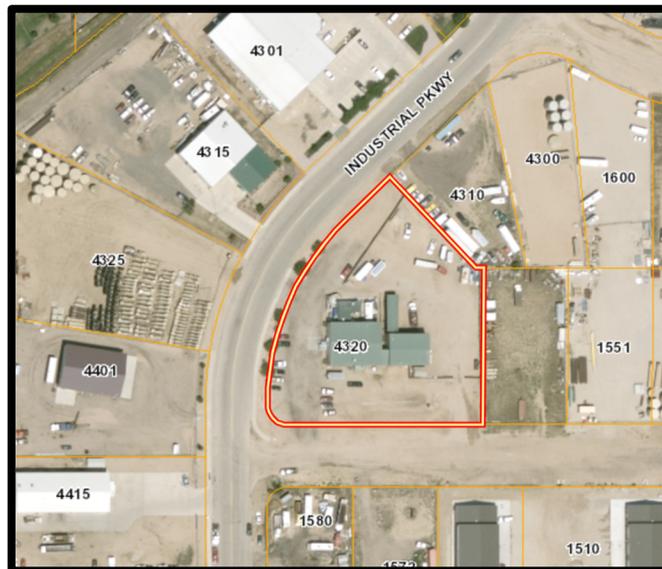
**DATE:** November 24, 2020  
**SUBJECT:** Innovative Foods Variance Request  
**PRESENTED BY:** Lauren Richardson, City Planner

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## **ITEM DESCRIPTION:**

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Innovative Foods is a meat processing company that has operated in Evans since 2007. The facility is located at 4320 Industrial Parkway in the Evans Industrial Park and is 1.51 acres in size. The current zone district is I-1 or Light Industrial. See site location on the map below.



The applicant is requesting two variances to accommodate site renovation and improvements due to a fire in early 2020. The applicant requests the approval of two variance items.

1. In the I-1 zone district the minimum side street setback is 25 feet. The applicant has requested that this setback be reduced to 14 feet. The side street is 44<sup>th</sup> Street. Within the 11-foot variance, 8 feet will house the building's mechanical units. The new structure will encroach into the minimum 25-foot side street setback by 3 feet.
  2. In the Development Standards Section 18.08.070.S.2.a, non-residential properties 1 acre or greater in size shall have a ten-foot wide landscape strip extending inward from any property line which abuts Right-of-Way. The property abuts Industrial Parkway. There is an existing 10-foot-wide landscape strip on the east side of the sidewalk up to the property line. The code reference suggests there should be an additional 10-foot-wide strip from the property line into the front parking lot. The applicant is requesting a 2.8 foot and a 1.1 foot variance to accommodate an expanded building footprint.
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For reference, Section 18.06.100 of the Evans Municipal Code identifies the process and procedures that an applicant must follow in seeking approval of a variance. The application materials were complete upon submittal. In accordance with Section 18.10.010, Staff posted a sign November 9, 2020, sent surrounding property owners a notice via certified and regular mail on November 5, 2020, and published notice in the Greeley Tribune on November 11, 2020. Staff and referral agencies were given an opportunity to respond. Criteria for approval of a variance is found below.

D. Criteria for a variance.

1. All of the following circumstances must be determined to be true in order to approve a variance:

a. Approval of the variance would not jeopardize the health, safety or welfare of any person;

Staff Response: The minimal variances requested do not jeopardize the health, safety or welfare of any person. City Staff and referral agencies have reviewed this application and find no conflicts.

b. The grant of variance is the minimum variance that will make possible the reasonable use of the parcel, building or structure;

Staff Response: This statement is true.

c. Literal interpretation and enforcement of the terms and provisions of this Title would deprive the applicant of rights commonly enjoyed by other parcels in the same zoning district and would cause the applicant unnecessary hardship, as distinguished from mere inconvenience. In determining whether an applicant's rights would be deprived, the Board of Zoning Appeals and the City Council shall consider whether either of the following conditions apply:

(1) There are special conditions and circumstances that are unique to the parcel, building or structure, that are not applicable to other parcels, structures or buildings in the same zone district and that do not result from the actions of the applicant; or

(2) Granting the variance will not confer upon the Applicant any special privilege denied by the Evan Comprehensive Plan and the terms of this Title to other parcels, buildings or structures, in the same zone district.

Staff Response: Due to the situation and site constraints and in order to retain this business in Evans on the current site the requested variances are not providing special privilege.

d. Such practical difficulty and unnecessary hardship have not been unreasonably self-imposed by the applicant.

Staff Response: This statement is true.

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The applicant shall submit an electronic copy of the executed and stamped site plan sized 24” x 36”, black & white, and with a resolution of at least 300 dpi to the City of Evans Community Development Department for preliminary approval within thirty (30) days of City Council action. Upon approval by the Community Development Director, the City of Evans shall record with the Weld County Clerk and Recorder.

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**FINANCIAL SUMMARY:**

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There is no financial impact by approving the variance. There is a positive financial benefit to the City by keeping a business in Evans.

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**RECOMMENDATION:**

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Staff recommends approval of Resolution 38-2020.

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**SUGGESTED MOTIONS:**

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*“I move to recommend approval of Resolution No. 38-2020 to City Council for their consideration.”*

*“I move to recommend denial of Resolution No. 38-2020 to City Council for the reasons stated.”*

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**ATTACHMENTS:**

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- Attachment 1: Resolution No. 38-2020
- Attachment 2: Application Narrative
- Attachment 3: Application Site Plan

**CITY OF EVANS, COLORADO**

**RESOLUTION NO. 38-2020**

**A RESOLUTION APPROVING VARIANCE REQUEST  
FOR PROPERTY REFERRED TO GENERALLY AS INNOVATIVE FOODS**

**WHEREAS**, the City Council of the City of Evans, Colorado, (the “City Council”) pursuant to Colorado statute and the Evans City Charter, is vested with the authority of administering the affairs of the City of Evans, Colorado (the “City”); and

**WHEREAS**, Innovative Investors, LLC (“the Owner”) is the owner of certain property located at 4320 Industrial Parkway, located in the City of Evans (the Property); and

**WHEREAS**, the Property is currently zoned I-1, Light Industrial; and

**WHEREAS**, the minimum side street setback in the I-1 Industrial Zone District is twenty five (25) feet; and

**WHEREAS**, the minimum landscape strip per Section 18.08.070.S.2.a for non-residential properties 1 acre or greater in size shall have a ten-foot-wide landscape strip extending inward from any property line which abuts Right-of-Way; and

**WHEREAS**, the Applicant desires to construct a new building encroaching on the minimum side street setback by 3 feet, constructing mechanical units further encroaching the minimum side street setback by an additional 8 feet, and constructing a customer parking lot encroaching by 2.8 and 1.1 feet into the landscape strip per Section 18.08.070.S.2.a (collectively, the Improvements”);

**WHEREAS**, the Applicant has submitted an application to the City seeking a side street setback and landscaping strip variance to allow the construction of the Improvements;

**WHEREAS**, staff has reviewed the Application and deemed it to satisfy all requirements for Variance under the Evans City Code, including but not limited to Sections 18.06.100; and

**WHEREAS**, the matter has been submitted to the required referral agencies for comment and staff has determined that the Applicant has adequately addressed all concerns raised by the referral agencies; and

**WHEREAS**, the City has notified surrounding landowners within 500 feet and concerning the Application; and

**WHEREAS**, on November 24, 2020, the Applicant’s variance request was considered by the Evans Zoning Board of Appeals which recommended approval of the variance; and

**WHEREAS**, following proper notice the matter was considered by the Evans City Council

at a public hearing on December 1, 2020 during which the Council considered the application, the comments of City staff, public comments in support of the application, if any, and public comments in opposition to the application, if any.

**BASED ON THE FOREGOING MATTERS, THE EVANS CITY COUNCIL HEREBY FINDS AS FOLLOWS:**

1. All of the following circumstances must be determined to be true in order to approve a variance:
  - a. Approval of the variance would not jeopardize the health, safety or welfare of any person;

City Council has found that the following Criteria have been met:

- b. The grant of variance is the minimum variance that will make possible the reasonable use of the parcel, building or structure;
- c. Literal interpretation and enforcement of the terms and provisions of this Title would deprive the applicant of rights commonly enjoyed by other parcels in the same zoning district and would cause the applicant unnecessary hardship, as distinguished from mere inconvenience. In determining whether an applicant's rights would be deprived, the Board of Zoning Appeals and the City Council shall consider whether either of the following conditions apply:
  - (1) There are special conditions and circumstances that are unique to the parcel, building or structure, that are not applicable to other parcels, structures or buildings in the same zone district and that do not result from the actions of the applicant; or
  - (2) Granting the variance will not confer upon the Applicant any special privilege denied by the Evan Comprehensive Plan and the terms of this Title to other parcels, buildings or structures, in the same zone district.
- d. Such practical difficulty and unnecessary hardship have not been unreasonably self-imposed by the applicant.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO, AS FOLLOWS:**

1. A side street setback variance is hereby granted to Innovative Foods to allow the construction of a building and mechanical units 11 feet from the property line which abuts 44<sup>th</sup> Street at the address 4320 Industrial Parkway.

2. A dimension variance for the required landscape strip depth is hereby granted to Innovative Foods to allow a difference of, not more than 3 feet, to accommodate an expanded building footprint as illustrated on Exhibit B.

3. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Resolution is held to be unconstitutional or invalid for any reason such decision shall not affect

the validity or constitutionality of the remaining portions of this Resolution. The City Council hereby declares that it would have passed this resolution and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

**PASSED AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF EVANS ON THIS 1ST DAY OF DECEMBER 2020.**

ATTEST:

CITY OF EVANS, COLORADO

\_\_\_\_\_  
Julie Kamka, City Clerk

BY: \_\_\_\_\_  
Brian Rudy, Mayor

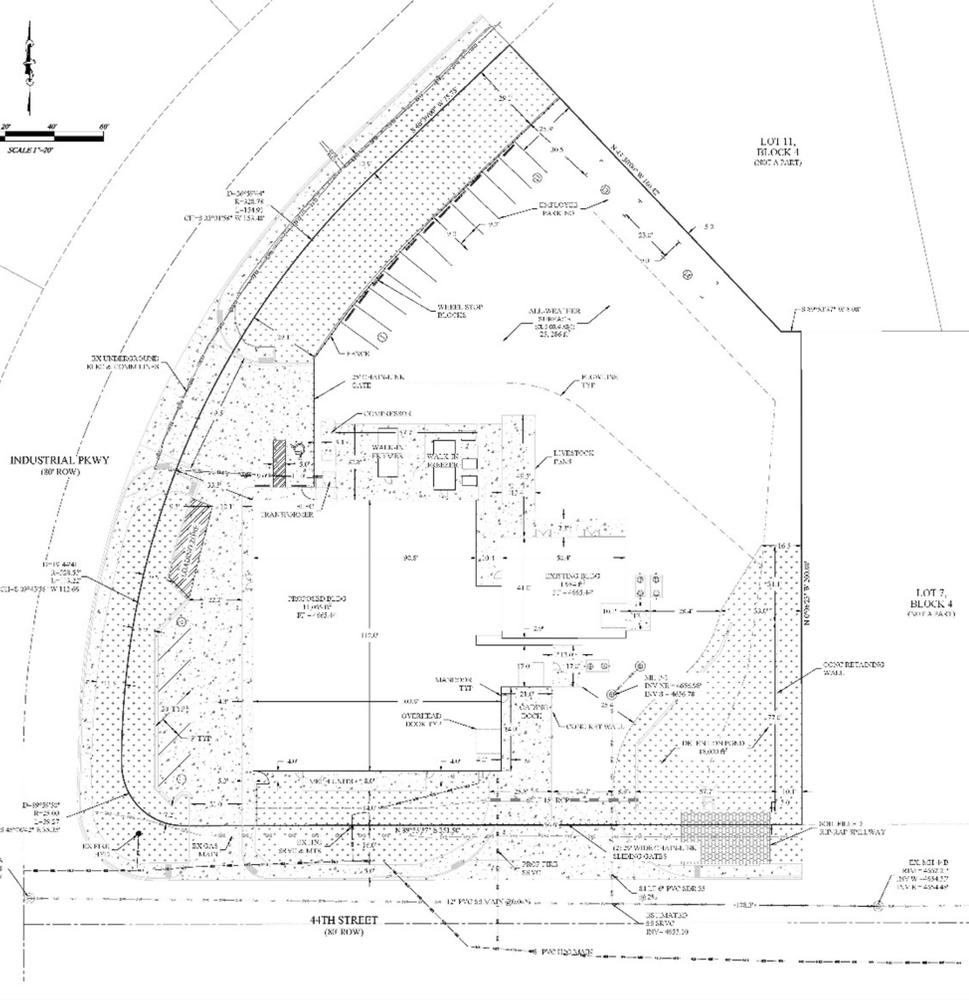
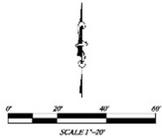
**EXHIBIT A  
LEGAL DESCRIPTION**

LOTS 8, 9, AND 10, BLOCK 4 OF THE EVANS INDUSTRIAL PARK, LOCATED IN PART OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 65 WEST OF THE 6<sup>TH</sup> P.M., CITY OF EVANS, WELD COUNTY, COLORADO.

WELD COUNTY RECEPTION NO. 1660971

# PRELIMINARY SITE PLAN - VARIANCE REQUEST

LOTS 8,9,&10, BLOCK 4, EVANS INDUSTRIAL PARK. LOCATED IN THE  
SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 65 WEST OF  
THE 6 PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO



**LOT COVERAGE:**

- ASPHALT DRIVEWAY = 8,271 SF (23.8%)
- CONCRETE DRIVEWAY = 2,314 SF (6.8%)
- CONCRETE DRIVEWAY = 2,314 SF (6.8%)
- PAVED DRIVEWAY = 25,386 SF (75.5%)
- BALANCE AREA = 1,849 SF (5.5%)
- LANDSCAPE AREA = 1,194 SF (3.6%)

**TOTAL PROPERTY AREA = 68,594 SF (1.57 ACRES)**  
**TOTAL LOT COVERAGE = 60% (60% MAX FOR 1-1) 70%\***

**PAVING CALCULATIONS:**

- ASPHALT DRIVEWAY = 8,271 SF
- 1 SPACE FOR 200 SF = 3.25 SPACES

**INDUSTRIAL ACTIVITIES = 35 EMPLOYEES**  
**1 SPACE PER 2 EMPLOYEES = 17.5 SPACES**

**TOTAL REQUIRED SPACES = 21, 1 ADA VAN ACCESSIBLE SPACE WEST SIDE PROVIDED, 2000\***

**TOTAL PROVIDED SPACES = 22**

**PROPOSED VARIANCES:**

1. REPAIRING AND MAINTENANCE UNITS AND SLIPSPOT 22'11" AND 14'11" RESPECTIVELY, FROM THE SOUTHERN PROPERTY LINE.
2. PARKING LOT ENCROACHMENT ALONG THE WESTERN PROPERTY LINE.
3. PARKING LOT ENCROACHMENT ALONG THE WESTERN PROPERTY LINE.

1. REPAIRING AND MAINTENANCE UNITS AND SLIPSPOT 22'11" AND 14'11" RESPECTIVELY, FROM THE SOUTHERN PROPERTY LINE.

2. PARKING LOT ENCROACHMENT ALONG THE WESTERN PROPERTY LINE.

3. PARKING LOT ENCROACHMENT ALONG THE WESTERN PROPERTY LINE.

ABB	ABBREVIATIONS
ABC	AGGREGATE BASE COURSE
BLDG	BUILDING
B.O.	BY OTHERS
BOP	BOTTOM OF PIPE
BW	BOTTOM OF WALL
C&G	CURB & GUTTER
CH	CHORD
CL	CENTER LINE
CO	CLEAN-OUT
COMM	COMMUNICATION
CONC	CONCRETE
D	DELTA
ELEC	ELECTRIC
ELEV	ELEVATION
EX	EXISTING
FG	FINISHED FLOOR ELEVATION
FL	FLOW LINE
FT	FEET
HYD	HYDRANT
H2O	POTABLE WATER

INV	INVERT
L	LENGTH
LF	LINEAR FEET
MAX	MAXIMUM
MTR	METER
MH	MANHOLE
MCHN	MECHANICAL
FL	PROPERTY LINE
R	RADIUS
RCP	REINFORCED CONCRETE PIPE
REF	REFERENCE
RIO	REQUIRED
SIM	SIMILAR
SVC	SERVICE
SS	SANITARY SEWER
STRM	STORM DRAIN
TELE	TELEPHONE
TOP	TOP OF PIPE
TP	TYPICAL
UNL	UNLESS NOTED OTHERWISE
VERT	VERTICAL

LEGEND	
[Symbol]	EXISTING/PROPOSED CONCRETE
[Symbol]	PROPOSED LANDSCAPE AREA
[Symbol]	SOL RIP-RAP AREA
[Symbol]	POTABLE WATER
[Symbol]	SANITARY SEWER
[Symbol]	TELECOMMUNICATION LINE
[Symbol]	ELECTRICAL LINE
[Symbol]	GAS LINE
[Symbol]	WATER METERS
[Symbol]	SANITARY SEWER MANHOLE
[Symbol]	PROPERTY LINE
[Symbol]	EASEMENT LINE
[Symbol]	EXISTING FENCE
[Symbol]	PROPOSED FENCE
[Symbol]	EDGE OF ROAD/GRAVEL
[Symbol]	ROAD CENTERLINE
[Symbol]	RIGHT-OF-WAY LINE
[Symbol]	FLOWLINE
[Symbol]	PROPOSED PARKING STRIPING
[Symbol]	PROPOSED CULVERT

**ALLES TAYLOR & DURE LLC**  
 3810 50th Ave., Unit 6  
 Evans, Colorado 80620  
 (970) 330-0800  
 ENGINEERING & LAND SURVEYING SERVICES

PLANNING & DESIGN  
 SURVEYING & MAPPING  
 CONSTRUCTION & AS-BUILT  
 NOT FOR CONSTRUCTION

DESIGNED BY: [Signature]  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]  
 PROJECT NO.: [Number]  
 DATE: 11/17/2020

REV	DESCRIPTION

VARIANCE SITE PLAN  
 INNOVATIVE FOODS  
 4320 INDUSTRIAL PARKWAY,  
 EVANS, COLORADO 80620  
 COUNTY OF WELD

SCALE: 1" = 30'  
 SHEET 1 OF 1

## EXHIBIT B VARIANCE EXHIBIT



**ALLES TAYLOR & DUKE, LLC**  
**LICENSED PROFESSIONAL ENGINEERS**  
**LICENSED PROFESSIONAL LAND SURVEYORS**

3610 35TH AVE. UNIT #6  
EVANS, 80620  
970-330-0308

November 12, 2020

Attn:

City of Evans – Planning Division  
1100 37<sup>th</sup> Street  
Evans, CO 80620

Subject:

Variance Request for Lot 8, 9, and 10, Block 4 of Evans Industrial Park  
4320 Industrial Parkway  
Innovative Investors, LLC

Innovative Foods is a meat processing company that has operated in Evans since 2007. They provide commercial meat processing for businesses, private customers, and have a retail component that is open to the public for regular business hours. Their facility is located at 4320 Industrial Parkway, the northeast corner of the intersection of Industrial Parkway and 44<sup>th</sup> Street. Recently there was a fire in the main building of their facility that resulted in a complete demolition of the structure in July of this year. There were several walk-in coolers on the north side of the main building that remain, along with the eastern portion (1,984 ft<sup>2</sup>) of the original building and the livestock pens. Dave Ellicott, owner of Innovative Foods, has been planning an addition to the original structure for several years and is taking this opportunity to rebuild in a manner that will allow his business to accommodate the growing demand for their services. Mr. Ellicott, along with Innovative Investors, LLC, are planning a new 11,065 ft<sup>2</sup> facility that will be in the same approximate location of the original structure and expanded to the south and west. Site improvements are also proposed for the site complying with current zoning codes and Evans design criteria with a few exceptions. Below is an explanation of the exceptions to City codes and criteria that we are requesting a formal variance to along with a more detailed description of the subject property and proposed development.

**Existing Site Conditions**

The subject property is specifically described as Lots 8, 9, and 10, Block 4 of the Evans Industrial Park. The original building was constructed in 2003 per Weld County records and was occupied by Innovative Foods shortly after. Since construction of the building the site remained relatively unchanged until the recent demolition. The property is primarily covered with packed gravel and a recycled asphalt customer parking lot along the western property line. The area to the north and east of the original structure is delineated by a wooden fence separating the business operations and livestock area from the customer parking/loading area as well as screening it from public view. There is a small detention pond on the south side of the property with a Corrugated Metal Pipe discharging into 44<sup>th</sup> Street. According to Weld County aerial photos landscaping was installed along the western property line, east side of Industrial Parkway, with construction of the original building. The landscape installed was several trees and decorative rock ground cover, but it does not extend along the entire length of the street frontage. The original building was mostly built on Lots 8 & 9 and the landscaping was installed along the frontage of the building on the east side of Industrial Parkway along the frontage of the building. The main entrance to the facility is in approximately the center of the western property line off Industrial Parkway, and to the north of the entrance is bare ground from the back of the east curb to the wooden fence. The parking lot sits on the west side of the building area, south of the entrance, and has a second access point off 44<sup>th</sup> Street. This access is not well defined since 44<sup>th</sup> Street and the customer parking lot are



unpaved at this time. There is a second truck access off 44<sup>th</sup> Street in the southeast corner of the property that is used for deliveries and access to the livestock area.

### **Proposed Development**

Along with construction of the new building, there will be site improvements made to the property including a concrete paved customer parking lot along the western property line, new stormwater detention pond complying with current City criteria, site regrading, landscaping, irrigation, and some minor utility work. The proposed building will be approximately 7,330 ft<sup>2</sup> larger than the original structure at a proposed size of 11,065 ft<sup>2</sup> and will include 650 ft<sup>2</sup> of retail space that is open to the public. Below is a breakdown of the lot coverage proposed for the subject property.

Lot Coverage:

Total Lot Size = 65,594 ft<sup>2</sup> (1.51 Acres)

- Building Area = 13,049 ft<sup>2</sup> (19.9%)
- Concrete Paving Area = 8,771 ft<sup>2</sup> (13.4%)
- Concrete Sidewalk Area = 5,364 ft<sup>2</sup> (8.2%)
- Packed Gravel Area = 25,286 ft<sup>2</sup> (38.5%)
- Landscape Area = 13,124 ft<sup>2</sup> (20.0%)

Please reference the Variance Site Plan submitted with this variance request for a detailed layout of the proposed site improvements. After the variance request is considered by the City, detailed construction drawings will be provided in a Site Plan Review process with Community Development.

### **Variance**

1. The proposed building will be in the same area the original building was but will extend further to the west and south of the original footprint. The north and east sides of the new building will align with the existing coolers and remaining building, respectively, so that the function of the facility can remain largely the same as before. The existing building and mechanical equipment are limiting two sides of the proposed building location resulting in an encroachment into the required 25' setback along 44<sup>th</sup> Street. Per section 18.04.080(E), the setback requirements for I-1 zoned properties are:
  - Min. Front = 25'
  - Min. Side = 30'
  - Min. Side Street = 25'
  - Min. Rear = 20'

The proposed building is 22 ft from the southern property line, northern Right-of-Way (ROW) line of 44<sup>th</sup> Street, and will have a concrete pad for mechanical units along the southern building face extending to within 14 ft of the property line. The combined encroachment of the building and associated mechanical units is 11 ft.

We request that the maximum encroachment of 11 ft into the side street setback for the proposed building be granted a variance by the City.



**ALLES TAYLOR & DUKE, LLC**  
**LICENSED PROFESSIONAL ENGINEERS**  
**LICENSED PROFESSIONAL LAND SURVEYORS**

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2. To accommodate site parking in a practical manner the customer parking was located as close as possible to the retail portion of the proposed building in the same location of the existing customer lot. To accommodate the parking and circulation of larger vehicles, the customer parking lot is set up for one-way traffic. Per section 18.08.080(C.4) all parking areas will be paved with concrete. Per section 18.04.080(E) the minimum front setback is 25 ft, and section 18.03 defines setback as a yard. A yard is defined as the area between the primary structure and the adjacent property line and must be unoccupied and unobstructed from the ground upward other than landscaping, except as may be specifically provided in the zoning ordinance. This would mean that a 25' landscape yard is required around the western and southern property boundaries that doesn't contain any portion of the building or paving. However, per section 18.08.070(S.2a), nonresidential properties 1 acre or greater in size shall have a ten-foot wide landscape strip extending inward from any property line which abuts ROW. This section is understood to be a specific zoning ordinance for nonresidential properties. The proposed customer parking lot is 9.5 ft to 7.2 ft away from the adjacent property line.

We request that the maximum encroachment of 2.8' into the 10 ft landscape yard for the paved customer parking lot along the western property line be granted a variance by the City.

The variances requested are permissible per section 18.06.100(B.1d & e). The requests also meet the criteria established in subsection D of the same section as explained below.

*1a. Approval of the variance would not jeopardize the health, safety, or welfare of any person.*

The requested variances do not extend outdoor operations into the required setbacks nor will it create a negative impact on vehicular and pedestrian traffic on the adjacent road network or internal to the site. A primary intent of setback requirements is to provide open space between developments and adjacent roads as well as provide adequate room for landscaping, sidewalks, and utilities. The building and parking lot encroachments will not degrade the intent of the setback requirements since there will still be 18 ft to 26 ft between the proposed improvements and the back of the sidewalk along Industrial Parkway and 44<sup>th</sup> Street (assumed future location) leaving adequate room for safe traffic circulation, utilities, landscaping and unobstructed views for traffic within ROW.

*1b. The grant of variance is the minimum variance that will make possible the reasonable use of the parcel, building or structure.*

There were many iterations of the proposed building footprint and site layout completed to find the optimal building size for business operations while adhering to City codes and criteria. The owners and their design team have come up with a site layout that, in our opinion, provides an operationally adequate layout that meets the overall intent of City of Evans codes while balancing site maintenance and use for the business. The Evans Industrial Park is a difficult subdivision for typical industrial developments due to the small size and shape of the lots created by the original plat in 1975. The lots are configured more for large residential use than they are for industrial businesses that usually require several acres for adequate operation. The subject property is the combination of 3 of those original lots (8, 9, & 10) for a total area of 1.51 acres, a relatively small lot for industrial purposes. However, the design team was able to come up with a layout that meets all requirements except for the stated code sections.



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970-330-0308

*1c. Literal interpretation and enforcement of the terms and provisions of the Title would deprive the applicant of rights commonly enjoyed by other parcels in the same zone district and would cause the applicant unnecessary hardship, as distinguished from mere inconvenience. In determining whether an applicant's rights would be deprived, the Board of Zoning Appeals and the City Council shall consider whether either of the following condition apply:*

- 1. There are special conditions and circumstances that are unique to the parcel, building or structure, that are not applicable to other parcels, structures or buildings in the same zone district and that do not result from the actions of the applicant; or*

The subject property is relatively small for an industrial use and was previously developed. The situation Innovative Foods is in now puts them in a situation where they are rebuilding a portion of the building that burned down and are constrained on the location of the new building by the existing structures on the property. The layout also must accommodate semi-truck traffic around the east and north sides of the building. The circulation around the east and north sides is adequately handled with the current building location and to avoid creating an operational issue, the new building would need to be located in the same area as the original relative to those two sides.

- 2. Granting the variance will not confer upon the Applicant any special privilege denied by the Evans Comprehensive Plan and the terms of this Title to other parcels, buildings, or structures, in the same zone district.*

*1d. Such practical difficulty and unnecessary hardship have not been unreasonably self-imposed by the applicant.*

The original facility was built under a previous version of City code and criteria. With changes to zoning code and design criteria in the last decade, the existing development would not fully comply due to inadequate parking, landscaping, and an undersized detention pond. With the sudden need to rebuild the facility, the development must also be brought up to current City codes and criteria. This will create an overall better development for the owners' and the City as well as improve the Evans Industrial Park. However, working around the existing structures and operational layout with a relatively small industrial lot has created the need for the requested variances so that the overall intent of Evans' development code can be achieved while aiding the owner in their efforts to run a successful business.

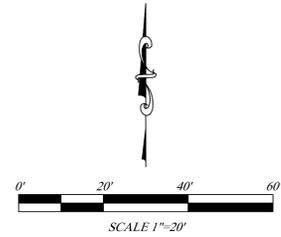
Thank you,

TJ Heupel, EI 68656

Mark Taylor, PE 46065

# PRELIMINARY SITE PLAN - VARIANCE REQUEST

LOTS 8,9,&10, BLOCK 4, EVANS INDUSTRIAL PARK. LOCATED IN THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 65 WEST OF THE 6 PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO



**LOT COVERAGE:**  
 \*PER EVANS MUNICIPAL COD SECTION 18.04.080(E)  
 • CONCRETE PAVING = 8,771 SF (13.4%)  
 • CONCRETE SIDEWALKS = 5,364 SF (8.2%)  
 • PACKED GRAVEL = 25,286 SF (38.5%)  
 • BUILDING AREA = 13,049 SF (19.9%)  
 • LANDSCAPE AREA = 13,124 SF (20.0%)

TOTAL PROPERTY AREA = 65,594 SF (1.51 ACRES)  
 TOTAL LOT COVERAGE = 80% ≤ 80% MAX FOR I-1 ZONE

**PARKING CALCULATIONS:**  
 \*PER EVANS MUNICIPAL CODE SECTION 18.08.080  
 • RETAIL/SALES AREA = 650 SF  
 • 1 SPACE PER 200 SF = 3.25 SPACES

• INDUSTRIAL ACTIVITIES = 35 EMPLOYEES  
 • 1 SPACE PER 2 EMPLOYEES = 17.5 SPACES

TOTAL REQUIRED SPACES = 21, 1 ADA VAN ACCESSIBLE SPACE MUST BE PROVIDED, §208.2

TOTAL PROVIDED SPACES = 22

**REQUESTED VARIANCES:**

1. BUILDING AND MECHANICAL UNITS ARE SETBACK 22 FEET AND 14 FEET, RESPECTIVELY, FROM THE SOUTHERN PROPERTY LINE.  
 • PER CHAPTER 18.04, SECTION 18.04.080(E), THE MINIMUM SIDE STREET SETBACK IS 25 FEET.

REQUEST A VARIANCE TO SECTION 18.04.080(E) FOR 3 FEET OF ENCRoACHMENT BY THE PROPOSED BUILDING, AND 8 FEET FOR THE ASSOCIATED MECHANICAL UNITS, FOR A TOTAL OF 11 FEET OF ENCRoACHMENT INTO THE REQUIRED SETBACK.

2. PARKING LOT PLACEMENT ALONG THE WESTERN PROPERTY LINE.

• PER CHAPTER 18.08, SECTION 18.08.070(S.2), ALL NONRESIDENTIAL PROPERTIES OVER 1 ACRE IN SIZE ARE REQUIRED TO HAVE A 10 FOOT WIDE LANDSCAPE STRIP EXTENDING INWARD FROM ANY PROPERTY LINE WHICH ABUTS RIGHT-OF-WAY. NO STORAGE OR DISPLAY OF GOODS, STRUCTURES (INCLUDING FENCES) OTHER THAN APPROVED SIGNS AND RETAINING WALLS SHALL BE LOCATED IN THE LANDSCAPE STRIPE.

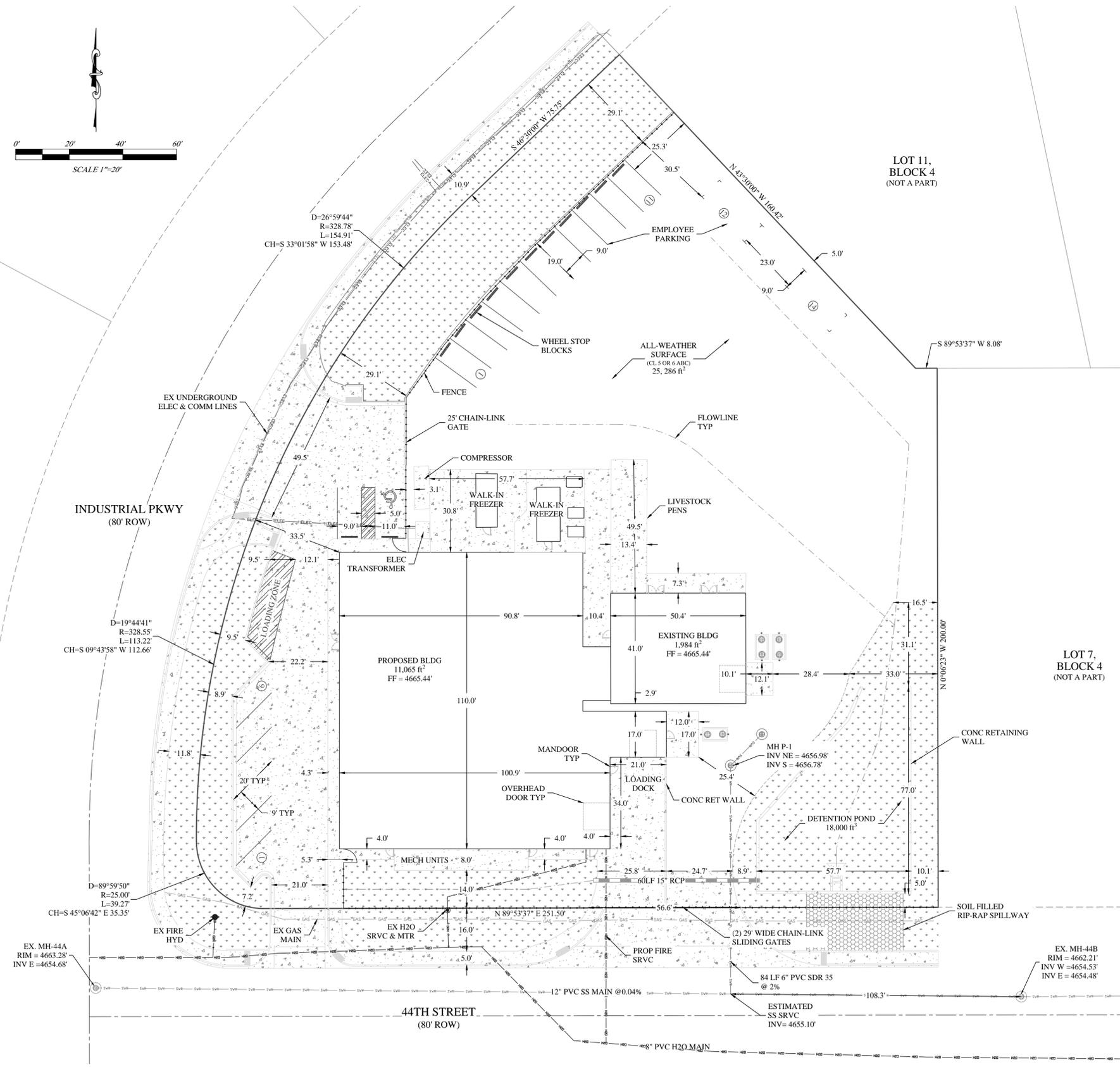
• PER CHAPTER 18.03, THE DEFINITION OF SETBACK IS THE SAME AS YARD. PER THE CODIFIED DEFINITION, YARD MEANS AN OPEN SPACE THAT LIES BETWEEN THE PRINCIPAL BUILDING OR BUILDINGS AND THE NEAREST LOT LINE. THE MINIMUM REQUIRED YARD AS SET FORTH IN THE ORDINANCE IS UNOCCUPIED AND UNOBSERVED FROM THE GROUND UPWARD OTHER THAN LANDSCAPING, EXCEPT AS MAY BE SPECIFICALLY PROVIDED IN THE ZONING ORDINANCE. ALL DEFINITIONS OF FRONT, REAR, SIDE, AND STREET SIDE YARDS ARE DEFINED AS FROM THE APPLICABLE PROPERTY LINE TO THE PRINCIPAL STRUCTURE.

REQUEST A VARIANCE TO 18.08.070(S.2) TO EXTEND THE PARKING LOT TO WITHIN THE LIMITS SHOWN ON THE DRAWING. MEASUREMENTS SHOWN ARE PERPENDICULAR FROM TOP BACK OF CURB TO ADJACENT PROPERTY LINES.

INDUSTRIAL PKWY  
(80' ROW)

LOT 11,  
BLOCK 4  
(NOT A PART)

LOT 7,  
BLOCK 4  
(NOT A PART)



ABBREVIATIONS	
ABC	AGGREGATE BASE COURSE
BLDG	BUILDING
B.O.	BY OTHERS
BOP	BOTTOM OF PIPE
BW	BOTTOM OF WALL
C&G	CURB & GUTTER
CH	CHORD
CL	CENTER LINE
CO	CLEAN-OUT
COMM	COMMUNICATION
CONC	CONCRETE
D	DELTA
ELEV	ELEVATION
EX	EXISTING
FF	FINISHED FLOOR ELEVATION
FG	FINISHED GRADE
FL	FLOW LINE
FT	FEET
HYD	HYDRANT
H2O	POTABLE WATER

INV	INVERT
L	LENGTH
LF	LINEAR FEET
MAX	MAXIMUM
MTR	METER
MH	MANHOLE
MECH	MECHANICAL
PL	PROPERTY LINE
R	RADIUS
RCP	REINFORCED CONCRETE PIPE
REF	REFERENCE
REQ	REQUIRED
SIM	SIMILAR
SRVC	SERVICE
SS	SANITARY SEWER
STRM	STORM DRAIN
TELE	TELEPHONE
TOP	TOP OF PIPE
TYP	TYPICAL
UNO	UNLESS NOTED OTHERWISE
VERT	VERTICLE

**LEGEND**

	= EXISTING/PROPOSED CONCRETE		= PROPERTY LINE
	= PROPOSED LANDSCAPE AREA		= EASEMENT LINE
	= SOIL RIP-RAP AREA		= EXISTING FENCE
	= POTABLE WATER		= PROPOSED FENCE
	= SANITARY SEWER		= EDGE OF ROAD/GRAVEL
	= TELECOMMUNICATION LINE		= ROAD CENTERLINE
	= ELECTRICAL LINE		= RIGHT-OF-WAY LINE
	= GAS LINE		= FLOWLINE
	= WATER METER		= PROPOSED PARKING STRIPING
	= SANITARY SEWER MANHOLE		= PROPOSED CULVERT

**ALLES TAYLOR & DUKE, LLC**  
 3610 35th Ave., Unit 6  
 Evans, Colorado 80620  
 (970) 330-0308  
 ENGINEERING & LAND SURVEYING SERVICES

VARIANCE REQUEST REVIEW SET NOT FOR CONSTRUCTION

DESIGNED BY: TJH  
 DRAWN BY: TJH  
 CHECKED BY: MT  
 DATE: 11/12/2020  
 PROJECT NO.: 2014-173

REVISIONS	Description	Apprv
#	Date	

VARIANCE SITE PLAN  
 INNOVATIVE FOODS  
 4320 INDUSTRIAL PARKWAY,  
 EVANS, COLORADO 80620  
 COUNTY OF WELD COLORADO  
 PART OF THE SE 1/4 OF SEC. 30, T. 5 N. R. 65 W.

SCALE: 1" = 20'  
 SHEET 1 OF 1



## AGENDA

### Planning Commission Regular Meeting

**Tuesday, October 27, 2020, at 6:00 pm**

Evans Community Complex, City Council Chambers, 1100 37<sup>th</sup> Street

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### REGULAR MEETING

1. **CALL TO ORDER: - 06:00 pm**
2. **ROLL CALL: - 06:01 pm**
  - Chairman: Lyle Achziger
  - Vice-Chairman: Kalen Myers
  - Commissioners: Billy Castillo
  - Mark LeClere
  - Robert S. Phillips, III
3. **APPROVAL OF THE AGENDA: - 06:01 pm**  
**\*\*Motion/Vote: Motion to approve agenda. Second. Passes unanimously.**
4. **APPROVAL OF THE MINUTES: - 06:02 pm**  
08/25/2020 Minutes  
**\*\*Motion/Vote: Motion to approve minutes from 08.25.2020 meeting. Second. Passes unanimously.**
5. **PROCLAMATION OF NATIONAL PLANNING MONTH: - 06:03 pm**  
Lyle Achziger, Planning Commission Chair  
Chair Achziger reads proclamation re: national planning month issued by Mayor Brian Rudy on 10.05.2020.
6. **PUBLIC HEARING: - 06:06 pm**
  - 6.A **Consideration of Case File #20-ZA-03**  
The applicant, McConnell Spaeth, seeks to rezone the properties located at 1280 Brantner Road and 4333 West Service Road. Both parcels are proposed to annexation into the City concurrently with this action.  
Anne Best Johnson for City of Evans

Planner Anne Best Johnson presents. Describes annexation and concurrent zoning process. Annexation application has been accepted by City Council as complete and scheduled for hearing. Shows lots for annexation and zoning on vicinity map. Lot on Brantner Road is requested to be zoned I-1 – same as Evans Industrial Park across the street. Lot facing West Service Road is in Highway 85 overlay and is requested to be zoned to 85-RC-R.

Applicants met with staff in 2019 to start this process. Development standards and process steps were explained at that time.

Required dates of publication for public notice were met. Required posting on property of public hearing was done.



Outlines criteria for review and approval, describes how application meets them (see .pptx for details).

**06:17 pm**

Brian Spaeth, 33703 Siasconset Road, Windsor, Colorado, 80550.

Staff covered everything that's important. The property was trash when we bought it. Looking to clean it up and use it for a yard to work out of.

Question: What prompted you to annex?

Answer: Weld County said that if we wanted to rezone it would be up to Evans, so we came here.

Question: What is the actual planned use of the property?

Answer: I run a business – parts for semis.

Question: Will there be storage there?

Answer: No, no storage. We'll park semis there, but they will pull out every day.

Any public testimony for the application?

None

Any public testimony against the application?

Tom Hamblen 1995 42<sup>nd</sup> Street, Evans, Colorado, 80620, (970) 371-3788

Question: Did I understand that staff didn't hear back from any referral agencies like water?

Staff answer: At this time, no department had no conflict with the change of zone.

Reply: Years ago, Louis Brantner, who lived at 1320 Brantner, had his own water system for this whole area. Tap at 42<sup>nd</sup> street—was allowed to do that way back when. Later, some of the properties wanted to annex into Evans. And there's some kind of agreement with what is supposed to happen with those taps. You should look for the agreement. It would be under 4405 Brantner.

TJ [unintelligible], 3600 33rd Avenue, [unintelligible]

Been hired to do surveying on property. Wanted to address water: Kyle McConnell is aware there are some taps along there. Illegal compound taps by today's standards. A lot of the things on those properties are not quite in conformance with modern standards.

Get billed for two water taps by Evans for each lot. 1280 does not have use that would require sewer. But if in the future we had to get sewer to 1280 or really any of those lots, it could get tricky. Water is adequately served, but not sewer.

Most of the debris is from the tenant of a previous owner. He's been granted time to clean it up. While we're processing land use changes it doesn't interfere with applicant's use, but if it takes too much longer, it may.

Comment: It is my understanding that annexation is a fairly *general* step. Later when they want to develop for a *specific* use they have to do something more detailed like a site plan.



Answer: Currently there is a concrete building on the 85-RC-R property. Has to have that zoning since it is in the overlay.

Comment: Is it currently zoned residential?

Answer: It's currently in the county so it's zoned agricultural use.

General comment: It's exciting to fill in more of the enclaves in the City.

Comment: [unintelligible]

Any other comments or questions?

None.

Public hearing closed.

**\*\*Motion (Myers): I move to forward a recommendation of approval of the Rezoning request at 4333 West Service Road to 85-RC-R and 1280 Brantner Road to I-1 as proposed with Conditions of Approval and Development Standards to City Council. Second (Phillips). Passes unanimously.**

7. **WORK SESSION: - 06:35 pm**

**7.A Repeal and Replace Municipal Code Section 18.06.060, .070, .080, and .090.**

Anne Best Johnson for City of Evans

Comment: Some of the requirements are repetitive. Have you thought about consolidating those?

Answer: Try to streamline as much as possible, but because of the changes we're making I was trying to be incremental and deliberate in the change.

Reply: You would almost have to have two lists. Things that are required for all applications, and then things that are required separately. Or a building list – all the above requirements.

Comment: If you get too simplified people will take advantage of it. You want the letter of the law. You don't want to leave it open to interpretation.

Comment: Right. If there are nuances for each one, then it's better this way. That would be a decision for staff to make; you're the ones who will be working in it all the time.

Comment: If there's even one that is different than the rest, then that's not a good idea.

Response: You're right. You don't want applicants to miss things. I would think staff really walks people through this stuff anyway. This is probably more of a tool for you all. If this is how you envision it, then it's good.

Upcoming: Sign Code. That one has to go to City Council since it's a legal issue.

After that will be accessory uses. We'd like to create a table of all land uses and the zone district they go with. It would put the code in a landowner's perspective. Easier for the public to read, and in the end more streamlined for staff.



Replats are done. We can have food trucks now.

In November, this will be back for public hearing. Then it will go to City council in December for two public readings.

General Updates: Finally got notice to proceed from CDOT, so the Transportation Master Plan can finally start. They will meet with Master Plan Steering Committee in January.

Master plan contractors are working up a schedule of public events. November 12 is next meeting. Going to be talking about Town Center concept. Should we try to create a downtown commercial area. And where would that be? Themes for surveys for next six months will also be presented.

Sign code will be to you in January.

GOCO grant: First try was denied. Cost for concrete trail at Arrowhead was too high. Met with director and got some tips and reapplied. Submitted it with letters and pictures in support of it. We'll have to wait until mid-November to see.

**8. ADJOURNMENT: - 07:41 pm**

**\*\*Motion/Vote: Motion to adjourn. Second. Passes unanimously.**

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# PLANNING COMMISSION

## AGENDA REPORT

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**DATE:** November 24, 2020

**SUBJECT:** Repeal and Replacement of Sections 18.06.060, 18.06.070, 18.06.080 and 18.06.090 to create a unified Redevelopment process; to bring Plot Plans (18.06.090) and Site Plans (18.06.090) together with Special Use Permits (18.06.060) in one land use Chapter of the Code; Creation of a Redevelopment land use process; Amendment to the Residential Zone Districts Dimensional Standards and the Zoning Tables found in Chapter 18.04; Amendment to the Public Notice requirements found in Chapter 18.10; Addition to the Definitions found in Chapter 18.03; Clarification of the intent of Development Standards found in Chapter 18.08.

**PRESENTED BY:** James L. Becklenberg, City Manager  
Randy Ready, Assistant City Manager  
Anne Best Johnson, Community Development Director

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### ITEM DESCRIPTION:

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Land Use applications are one of the most frequently used planning processes in Evans. Land Use applications such as Site Plans, Minor Development Plans and Uses by Special Review are processes used to ensure reasonable compatibility with surrounding land uses. Public notification processes are usually involved, and every effort is made to ensure a rational application of the Development Standards is made to protect the investment of the applicant and the surrounding property owners. Having a Municipal Code that is clear in process, has rational criteria for approval, and includes defined application requirements is key to retaining and attracting business as well. In addition, a Code with established clear expectations enables applicants and staff to have common understandings going into the process

Land Use applications are currently found in three sections of the Municipal Code, as detailed below. For the benefit of the public and staff, these processes are proposed to be located together in one Section of the Code.

- 18.07.110: Minor Development for Non-Residential
- 18.06.090: Plot Plans for Residential building permits
- 18.06.090: Site Plan
- 18.06.060: Special Use Permits

The following list provides a high-level synopsis of the proposed amendments:

- 18.06.060: Bring Plot Plans, Site Plans and Special Use Permits together under one Code Section. Create a Redevelopment Permit and place it in this Section. Refine the application requirements, review process and criteria for approval in each of the four land use processes.
-

- 
- Amend Table 18.04.050.I to clarify measurements, distances and dimensions. This table is used daily when processing building permits and requires clarification for staff and the public’s benefit.
  - Add the definition of “Redevelopment” to Section 18.03.010.
  - Clarify the intent of the Development Standards as being applicable to all development in the City.
  - 18.10.010: Notification requirements for different application types are proposed to be refined.
  - 18.04: The Zoning Tables for each Zone District are clarified with the land use process required for different uses. The uses contemplated in each zone district have not changed, the land use process by which an applicant applies to be granted the right for each use is clarified.

Planning Commission considered this topic of discussion at its work sessions on September 22 and October 27, 2020 and agrees that a change to the Code is necessary. City Council considered this topic of discussion at its work session on October 20, 2020 and concurs with Planning Commission that a change to the Code is necessary.

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**FINANCIAL SUMMARY:**

There are no financial implications to the proposed Code language change. There is a potential positive financial implication when the City has a Land Use Code that is clear and easy for both the applicant and staff to follow. Clear expectations, a transparent land use process, and Criteria for Approval are beneficial attributes in a Land Use Code.

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**RECOMMENDATION:**

Staff recommends Planning Commission forward their recommendation of approval of the proposed changes to the Land Use Code as outlined in Attachments 2 and 3 as supported by the findings presented in this Agenda Memo.

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**SUGGESTED MOTIONS:**

*“I move to forward a recommendation of approval of the proposed changes to the Land Use Code as described in Ordinance 733-20 to City Council for consideration.”*

*“I move to forward a recommendation of denial of the proposed changes to the Land Use Code as described in Ordinance 733-20 to City Council for the reasons stated ...”*

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**ATTACHMENTS:**

- Attachment 1: Clean Version of Code Amendment
- Attachment 2: Draft Ordinance 733-20
- Attachment 3: Notice of Publication

## CLEAN VERSION

### Chapter 18.06. Annexation, Zoning Amendments, and Land Use Permits

18.06.010 – Purpose and Intent. To establish regulations governing Annexation, Zoning Amendments, and Land Use Permits.

#### 18.06.060 - Land Use Permits.

- A. Intent. The intent of this Chapter is to provide the framework to evaluate land use permit applications inclusive of Plot Plans, Redevelopment Plans, Site Plans and Special Use Permits. Evaluation of applications will determine if the proposed land use has the potential to adversely affect other land uses, transportation systems, public facilities, or the like in the surrounding neighborhood and adjacent properties. Application materials, criteria for approval, adherence to the Development Standards, and the review process are further defined in this Section, thereby ensuring that if approved, the land uses proposed will not harm the health, safety and welfare of the City and its residents. The City Council may disapprove any such land use request or may impose conditions and safeguards as may be required to maintain the intent of this Land Use Code for those applications requiring City Council approval. The Community Development Director may disapprove any such land use request or may impose conditions and safeguards as may be required to maintain the intent of this Land Use Code for those applications requiring only administrative approval.
- B. Pre-application Conference. A Pre-application Conference with City staff is a prerequisite for all land use applications except for the submittal of the Plot Plan. The Pre-application Process is designed to provide the applicant with a means of understanding the City regulations, policies, and procedures prior to a formal submission of a land use application.
1. Prospective applicants will speak with Community Development staff to determine if the proposed land use meets the intent of the zone district the use is proposed within. The Community Development Department will determine if a pre-application Conference is necessary.
  2. Prospective applicants will complete a pre-application questionnaire and return this to the Community Development Department.
  3. The Community Development Department will review the pre-application questionnaire to determine the right composition of City staff and/or agencies to be present at the Pre-application Conference. The Community Development Department will schedule the conference with appropriate staff, agencies, and the prospective applicant.
  4. At the Pre-application Conference, City staff, agencies and the prospective applicant will have the opportunity for constructive dialogue regarding the proposed development. The prospective applicant will be provided with information to use in submitting a formal land use application to the City.
  5. Should the applicant decide to proceed with a formal land use application submittal, a complete application based upon the recommendations received as part of the Pre-application Conference, adherence to applicable Development Standards, and the application requirements outlined for each specific land use permit shall be provided to the Community Development Department.
  6. Submittal of a complete land use application must occur within six (6) months of the Pre-application Conference. If a complete land use application is not submitted within that timeframe, then the applicant may be required to participate in a new pre-application Conference.

C. Plot plans for new single-family dwellings and duplexes.

1. Intent. A plot plan is required to apply for a building permit for all new single-family dwellings and duplexes, whether or not the property is located within an approved subdivision or PUD. The plot plan shows where the proposed building or structure will be located on the lot as well as the architectural design of the structure so the City can establish that the proposed location will comply with all applicable regulations.
2. Plot plan application.
  - a. Applicants shall submit the building permit application forms along with a plot plan map which shall provide the following information:
    - i. Title of project.
    - ii. North arrow, scale (1" = 20' or as approved by the City) and date of preparation.
    - iii. Name, address, phone number and email address of property owner.
    - iv. Lot number, block number and name of subdivision.
    - v. Lot size (square footage).
    - vi. Bearings and distances of all lot lines.
    - vii. Existing easements on the lot.
    - viii. Footprint of the proposed building or structure, dimensioned.
    - ix. Square footage of the proposed building and the footprint of the proposed building.
    - x. Distance from the proposed building or structure to all lot lines. Building envelope in relationship to the setbacks, offsets and bufferyards, as applicable.
    - xi. All existing buildings or structures on the lot.
    - xii. Driveway.
    - xiii. Existing and/or proposed water and sewer service lines on the lot.
    - xiv. Elevations of:
      - (1) The finished floor for the house and garage.
      - (2) The ground ten (10) feet away from the house and garage.
    - xv. Height of all proposed buildings.
    - xvi. The lot corners.
    - xvii. Street trees (right-of-way landscaping).
    - xviii. Demonstrate in written and/or graphic form how the proposed structure is consistent with the Development Standards of this Land Use Code, the Zoning dimensional standards found in the Land Use Code, the City's Standards and Specifications published through the City Engineering Department, and development guidelines associated with an approved subdivision or PUD.
    - xix. Drainage information. Provide the City with information regarding how the lot will drain.
3. The submittal shall be reviewed for completeness within ten (10) working days. The applicant shall be notified of any inadequacies. An incomplete submittal shall not be processed. Staff will review the application for compliance with all applicable plans, standards and regulations and the criteria in Subsection 4 below. Staff shall approve, approve with conditions or deny the application through the Building Permit review process.

4. The plot plan must meet the following review criteria:
  - a. All of the information needed on a plot plan is shown.
  - b. The lot size and lot dimensions are consistent with what is shown on the approved final plat.
  - c. No buildings or structures infringe on any easements.
  - d. The proposed site grading is consistent with Federal Housing Authority (FHA) standards (if insured by FHA) otherwise it shall meet City's approval.
  - e. The density and dimensions shown conform with the City's density and dimensional standards or the approved PUD requirements.
  - f. The applicable Development Standards and regulations have been met for both the City and the PUD if applicable, including but not limited to architecture, size and landscaping.

18.04.050. I.

The purpose of this section is to set forth regulations governing lot size, lot coverage and setbacks, building height, and open space requirements and to encourage building and development design which is related to and compatible with its surroundings.

Residential Zone Districts Dimensional Standards (required minimum standard)								
Standard	R-1E	R1	R2	R3	RC-Res	RC-Com	RMFH	RMH
Setbacks from Lot Line								
Min. Front (feet)	25	25	25	25	25	25	20	18.04.060
Min. Side (feet)	10 * <sup>1</sup>	* <sup>3</sup>	* <sup>3</sup>	* <sup>3</sup>	* <sup>3</sup>	30 * <sup>5</sup>	* <sup>3</sup>	18.04.060
Min. Side Street (feet)	20	15	15	15	15	25	15	18.04.060
Min. Rear	30	20	20	20	20	30 * <sup>5</sup>	15	18.04.060
Max. Lot (size)	13,000 square feet	* <sup>4</sup>	* <sup>4</sup>	* <sup>4</sup>	* <sup>4</sup>	80%	* <sup>4</sup>	18.04.060
Min. Open Space (%)** <sup>6</sup>	N/A	N/A	45	45	45 (MF)	N/A	N/A	18.04.060
Min. Zone District Area	N/A	N/A	N/A	N/A	N/A	N/A	2 contiguous acres	18.04.060
Max. Height (feet)	* <sup>2</sup>	* <sup>2</sup>	* <sup>2</sup>	* <sup>2</sup>	* <sup>2</sup>	35	* <sup>2</sup>	18.04.060

\*<sup>1</sup> = Ten (10) feet is the minimum side yard setback for homes that are fifteen (15) in height or less. For homes greater than fifteen (15) feet in height, this setback shall be an additional one (1) foot for each three (3) feet of building height or fraction thereof. Building height is measured from the peak or highest point of the roof to the surrounding grade.

\*<sup>2</sup> = Three (3) stories or thirty-five (35) feet, whichever is less.

\*<sup>3</sup> = Five (5) feet is the minimum side yard setback for homes that are fifteen (15) feet in height or less. For homes greater than fifteen (15) feet in height, this setback shall be an additional one (1) foot for each three (3) feet of building height or fraction thereof. Building height is measured from the peak or highest point of the roof to the surrounding grade.

\*<sup>4</sup> The minimum lot size is six thousand (6,000) square feet, unless specified differently in a PUD Development Plan.

\*<sup>5</sup> = Setback from adjacent residentially zoned properties.

\*<sup>6</sup> = On each individual lot, this is the amount of property to be unencumbered by structures or impervious surface.

Add the following definition to Section 18.03.010:

*Redevelopment* means any proposed change in use of existing structures or properties inclusive of an expansion, addition, façade change, parking facility, or increase to the impervious surface of a parcel of land. A non-conforming use, structure, property/lot or sign may be brought into conformity through the Land Use Permit process as long as the contemplated use is allowed in the Zone District it is proposed within.

#### 18.06.060.D Redevelopment Plan

1. Intent. To provide an administrative review process for the redevelopment of properties in the City of Evans. The Community Development Director shall determine whether a proposal for redevelopment requires either a Redevelopment Plan, Site Plan or a Special Use Permit. Applications for redevelopment shall illustrate conformance to the Zone District Use Standards found in the Establishment of Zoning Districts Chapter of the Land Use Code, the Development Standards found in the Land Use Code, compatibility with surrounding and adjacent properties, the City's Standards and Specifications published through the City Engineering Department, and applicable development standards associated with an approved subdivision or PUD the property is within. Parks, open space and trails may be permitted through the redevelopment process.
2. Pre-Submittal Neighbor Meeting. The applicant is strongly encouraged to meet with property owners adjacent to and within three hundred (300) feet of the property prior to submitting an application to the City.
3. Application Materials. The following application materials are required unless waived at the time of the Pre-application Conference. The applicant shall submit application materials in accordance with the published procedural guide. Staff reserves the right to request additional materials if, during review, these materials are deemed necessary to complete the review process.
  - a. Application form and checklist
  - b. Application fee(s)
  - c. Proof of landowner approval if the applicant is not the landowner and evidence of property ownership, such as a title commitment current within thirty (30) days of submittal.
  - d. A written narrative describing the proposed land use, including the following:
    - i. The proposed land use and how the proposed use of the property is in conformance with the Zone District Use Standards and Dimensional Standards
    - ii. How the proposed land use will be compatible with existing uses and the zone district of adjacent properties
    - iii. Hours of operation
    - iv. Number of staff
    - v. Access points, parking accommodation, and proposed traffic circulation
    - vi. How the Review Criteria will be met
    - vii. How the Development Standards will be complied with
    - viii. Identification of any known drainage concerns
    - ix. Adherence to Building and Fire Codes currently in place
    - x. Is the project within the US 85 Overlay District, and if so, how the proposal conforms to the District standards
    - xi. A statement on how known hazards will be mitigated
  - e. A surrounding property owner report prepared by the applicant from a source acceptable to the City for those surrounding properties located within three hundred (300) feet of the subject property.

- f. A set of mailing labels for all property owners listed on the surrounding property owner report.
  - g. Results of the Pre-Submittal Neighborhood Meeting.
  - h. Redevelopment Plan exhibit (map) prepared in accordance with the direction provided in the Pre- Application Conference. This map may include landscaping, signage, fencing, access, for example, to illustrate conformance with the Development Standards. Refer to the Site Plan map requirements in the Site Plan Section of this Chapter. At a minimum, a Redevelopment Plan shall include the following:
    - i. Title of Project
    - ii. Legal Description/Property Address
    - iii. Certificate blocks
      - 1. Plan preparer
      - 2. Property Owner
      - 3. Community Development Director
      - 4. City Engineer
      - 5. Easement or utility holders
    - iv. Scale and North Arrow
    - v. Revision block
    - vi. Existing buildings, parking, access
    - vii. Drainage flow arrows
    - viii. Water quality features
    - ix. Landscaping and irrigation
    - x. Fencing
    - xi. Signage location and prototype
  - i. A completed business license application or evidence a business license has been issued by the City of Evans along with evidence the business is in good standing with the City Finance Department.
  - j. Additional information determined to be required at the pre-applicaiton conference.
4. Review Process. The following review process will be followed.
- a. The applicant shall submit application materials in accordance with the published procedural guide and Land Use Code.
  - b. The submittal shall be reviewed for completeness by City Staff within ten (10) working days of the submittal. The applicant shall be notified of any inadequacies. An incomplete submittal shall not be processed.
  - c. Once the submittal is determined complete, Community Development staff shall distribute the application to referral agencies. Referral agencies will be provided with adequate time to review the submitted application materials and provide a response back to the Community Development department.
  - d. Once the submittal is determined complete, Community Development staff shall post a sign on the property notifying the public of the pending application. It is the responsibility of the applicant to ensure the sign stays upright until the application review process is completed. The applicant shall remove the sign and dispose of the site upon approval or denial of the application.
  - e. Once the submittal is determined complete, Community Development staff shall notify surrounding property owners within three hundred (300) feet of the property.

- f. Community Development staff shall consider the referral agency response(s) and comments provided by surrounding property owners. Referral agency response(s) and comments provided by surrounding property owners will be provided to the applicant to address. The applicant shall copy the Community Development staff on responses provided to illustrate the intent of addressing comments.
  - g. Community Development staff shall prepare a Staff Report and submit this to the applicant along with all referral agency responses and surrounding property owner concerns.
  - h. The applicant shall address the comments in the Staff Report along with referral agency comments and surrounding property owner concerns. A written response by the application to the Community Development Department shall address these items.
  - i. A maximum of three (3) months will be granted to applicants to finalize their applications, address staff comments, referral agency comments and surrounding property owner concerns. Any project that is inactive for more than three (3) months from the date on the Staff Report shall result in applications becoming permanently inactive, and the applicant shall forfeit their fees.
  - j. If required, the applicant shall enter into a Site Improvement Agreement or a Development Agreement with the City. Community Development staff shall prepare the Agreement for the applicant to execute. Community Development staff shall establish a meeting date with City Council to accept the Agreement.
  - k. Once all issues have been satisfactorily addressed, the applicant shall provide all final documents to Community Development staff.
5. Criteria for Evaluation. The following criteria shall be used by Community Development staff when evaluating an application for Redevelopment.
- a. The proposed redevelopment is consistent with:
    - i. The goals and policies of the Evans Comprehensive Master Plan
    - ii. The Zoning District the land use is proposed within
    - iii. The City's Standards and Specifications published through the City Engineering Department
    - iv. Development Standards found in the Land Use Code
    - v. Applicable Building and Fire Code standards
    - vi. Applicable development guidelines associated with an approved subdivision or PUD.
  - b. The proposed use has adequate infrastructure to support the use, such as water, sanitary sewer, non-potable water, stormwater, access, for example.
  - c. The proposal is compatible with surrounding and adjacent properties. Potential nuisance conditions have been identified and addressed.
  - d. All public notice requirements have been met.
  - e. All applicable public dedication requirements, if any, have been satisfied.

#### 18.06.060.E Site Plan Regulations

1. Intent. To provide an administrative review process for development of properties in the City of Evans, to promote orderly and sound development standards, and to enhance and protect the community's natural as well as manmade environments. Site Plan approval is required for a building permit for all multi-family developments as well as all commercial and industrial development regardless of the need for a building permit. The Zone District Use Standards found in the Establishment of Zoning Districts Chapter of the Land Use Code specify which land uses can be proposed through the Site Plan Review process. Applications for a Site Plan shall illustrate conformance to the Zoning District the land use is proposed within, the Development Standards found in the Land Use Code, and shall be compatible with surrounding and adjacent properties and the City's Standards and Specifications published through the City Engineering Department, and conform to applicable development guidelines associated with an approved subdivision or PUD the property is within.
2. Pre-Submittal Neighbor Meeting. The applicant is strongly encouraged to meet with property owners adjacent to, and within five hundred (500) feet of the property prior to submitting an application to the City.
3. Application Materials. The following application materials are required unless waived at the time of the pre-application conference. The applicant shall submit application materials in accordance with the published procedural guide. Staff reserves the right to request additional materials if, during review, these materials are deemed necessary to complete the review process. The following materials are required for submission of a Site Plan to the City:
  - a. Application form and checklist
  - b. Application fee(s)
  - c. Legal description of the property
  - d. Proof of landowner approval if the applicant is not the landowner and evidence of property ownership such as a title commitment current within thirty (30) days of submittal.
  - e. A written narrative describing the proposed land use, including the following items. The applicant may reference the Site Plan Map as appropriate to address the following:
    - i. The proposed land use and how the proposed use of the property is in conformance with the Zone District Use Standards and Dimensional Standards
    - ii. How the proposed land use will be compatible with existing uses and the zone district of adjacent properties
    - iii. ~~d.~~A description of all structures to be built on the site, including size, quantity, use and the number of units per structure. For multi-family residential, the number of residential units and bedrooms per unit.
    - iv. Hours of operation
    - v. Number of employees and the type of activity if the use is residential, the type of units and the number of each unit to be built shall be specified.
    - vi. How the Review Criteria will be met
    - vii. How the Development Standards will be complied with
    - viii. Adherence to Building and Fire Codes currently in place
    - ix. -A statement explaining the phasing of the development.
    - x. Complete listing of landscape materials costs and installation costs, including the irrigation system.
    - i. If the project is within the US 85 Overlay District, a statement / illustration on the Special Use Permit map indicating how the proposal conforms to the District standards

- xi. A statement of any known hazards and other important environmental conditions present on the property. If there are known hazards, a statement on how these will be mitigated inclusive of ~~€~~ Floodplain information.
  - ii. For all commercial, industrial and multi-family applications, an economic impact report describing the impacts of the development on City services and tax base must be submitted. Information regarding the tax base should include anticipated revenues (annual sales, sales tax), jobs created, wage ranges, anticipated customer and where the customers will travel from, where will employees live, and how the responses differ from the previous use. If the application is part of a previously approved PUD and as part of the PUD approval process, there was an economic impact report submitted then no report is necessary. If there was not an economic impact report submitted as part of a PUD approval process, then an economic impact report is required.
- f. A Site Plan Map, required for all applications under this Chapter. The Site Plan Map shall be a minimum of twenty-four (24) inches by thirty-six (36) inches and shall provide the following information:
- a. Cover sheet
    - i. Title of Project
    - ii. Vicinity map.
    - iii. Legal description and ~~€4~~ property address
    - iv. North arrow, scale (no greater than 1" = 50') and date of preparation
    - v. Soils description and limitations
    - vi. The names, addresses, phone numbers and email addresses of the following:
      - 1. Surveyor
      - 2. Engineer
      - 3. ~~€6~~ Property Owner
      - 4. Easement or utility holders
    - vii. Certificate blocks
      - 1. Surveyor
      - 2. Engineer
      - 3. Property Owner
      - 4. Dedication Statement
      - 5. Community Development Director
      - 6. City Engineer
      - 7. Easement or utility holders
    - viii. Revision block
  - b. Site Plan
    - i. Lot size (square footage).
    - ii. Bearings and distances of all lot lines.
    - iii. Existing and proposed easements and rights-of-way
    - iv. Existing and proposed two-foot contours.
    - v. Trash disposal areas and enclosures including specifications for enclosures.

- vi. The distance from the proposed building or structure to adjacent lot lines, easements and adjacent structures.
- vii. Dimensioned setbacks, offsets and bufferyards.
  - 4. No building permit shall be issued for any building not in compliance with setbacks from any oil or gas well or ancillary equipment, as established in the Municipal Code.
  - 2. No building permit shall be issued for any building not in compliance with setbacks from any abandoned oil or gas wells as established in the Municipal Code, until and unless the applicant, by clear and convincing evidence, can demonstrate to the City Council that the well has been abandoned and plugged in accordance with all federal, state, and local laws and regulations and that the issuance of such permit will not endanger any person or property. The Council may require such independent tests and reports as it deems necessary prior to final consideration of such permit. If a permit is approved, the Council may impose such conditions as it deems necessary or advisable for the protection of persons and property.
- viii. Existing and proposed building footprints (square footage); building facades prepared according to the Development Standards.
  - 1. Footprint (including roof overhangs and eaves, decks, balconies, outside stairs and landings) of all proposed and existing structures and their use with their dimensions including height and locations noted with respect to the property lines.
- ix. The location of all public and private easements, utilities and encumbrances on the property.
- x. Location of all fire hydrants. If none exist on site, note distance and direction of the closest hydrant adjacent to the site within three hundred (300) feet.
- xi. Parking plan showing all spaces, landscaping and dimensions including required accessible parking
  - 1. Proposed traffic controls and striping for parking areas (all lanes, driveways and parking spaces must be dimensioned).
- xii. Existing and proposed paved areas and sidewalks on the site and in the adjacent rights-of-way, all dimensioned, showing how pedestrians will have access to the site and buildings.
- xiii. Gathering areas for people.
- xiv. Existing and proposed curb cuts on the site and in the adjacent rights-of-way (on both sides of perimeter streets), all dimensioned.
- xv. Existing waterways on or adjacent to the site.
- xvi. Sign and lighting plan prepared according to the Development Standards.
  - 1. Specifications for on-site signage including lights, type, height, placement and general conformance to the Code.
  - 2. For multi-family, commercial and industrial uses, a photometric plan prepared by a qualified electrical or lighting engineer shall be submitted that depicts all lighting fixtures and the light spread (in foot-candles) of these fixtures across the site to all property boundaries.
- xvii. Utility plan prepared according to the Development Standards.
  - 1. Location and size of existing and proposed water and sewer service connections and tap sizes (including those for irrigation systems).

2. Location and size of water and sewer lines to which the service connections will be or are made.
  3. Location and size of water meters.
  4. Location and size of backflow-prevention devices.
  5. Indication of how and where perimeter drain will drain (if one exists).
  6. Location of existing electrical lines and poles on or adjacent to the site.
  7. Location of proposed electrical service connection and meter location.
  8. Location of electric transformer.
- c. Grading Plan and Drainage Report prepared according to the City's Standards and Specifications inclusive of the location of detention/retention areas and storm sewer infrastructure with the required drainage easements.
  - d. Landscaping and irrigation plan illustrating conformance with the Development Standards.
  - e. Traffic Impact memo, report or study prepared according to the City's Standards and Specifications.
  - f. A surrounding property owner report prepared by the applicant from a source acceptable to the City for those surrounding properties located within five hundred (500) feet of the subject property.
    - i. One (1) set of mailing labels for all property owners listed on the surrounding property owner report.
  - g. Results of the Pre-Submittal Neighbor Meeting.
  - h. A completed business license application or evidence a business license has been issued by the City of Evans along with evidence the business is in good standing with the City Finance Department.

4. Review Process. The following review process will be followed.

- a. The applicant shall submit application materials in accordance with the published procedural guide and Land Use Code.
- b. The submittal shall be reviewed by City Staff for completeness within ten (10) working days of submission. The applicant shall be notified of any inadequacies. An incomplete submittal shall not be processed.
- c. Once the submittal is determined complete, Community Development staff shall distribute the application to referral agencies. Referral agencies will be provided with adequate time to review the submitted application materials and provide a response back to the Community Development department. The referral period is generally twenty-five (25) days.
- d. Once the submittal is determined complete, Community Development staff shall post a sign on the property notifying the public of the pending application. It is the responsibility of the applicant to ensure the sign stays upright until the application review process is completed. The applicant shall remove the sign and dispose of the site upon approval or denial of the application.
- e. Once the submittal is determined complete, Community Development staff shall notify surrounding property owners within five hundred (500) feet of the property.
- f. Community Development staff shall consider the referral agency response(s) and comments provided by surrounding property owners. Referral agency response(s) and comments provided by surrounding property owners will be provided to the applicant to address. The applicant shall copy the Community Development staff on responses provided to illustrate intent of addressing comments. The applicant is encouraged to meet with City staff to discuss the comments received.

- g. Community Development staff shall prepare a Staff Report and submit this to the applicant along with all referral agency responses and surrounding property owner concerns. The Community Development Department shall approve, approve with conditions, or deny the application.
    - i. Denial of a site plan by City staff may be appealed to the City Council. Written notice of an appeal must be received by the City within ten (10) days of the date of staff's decision.
  - h. If approved or approved with conditions, the applicant shall address the comments in the Staff Report along with referral agency comments and surrounding property owner concerns. A written response by the application to the Community Development Department shall address these items.
  - i. A maximum of three (3) months will be granted to applicants to finalize their applications, address staff comments, referral agency comments and surrounding property owner concerns. Any project that is inactive for more than three (3) months from the date on the Staff Report shall result in applications becoming permanently inactive, and the applicant shall forfeit their fees.
  - j. If required, the applicant shall enter into a Site Improvement Agreement or a Development Agreement with the City. Community Development staff shall prepare the Agreement for the applicant to execute. Community Development staff shall establish a meeting date with City Council to discuss the Agreement.
  - k. Once all issues have been satisfactorily addressed, the applicant shall provide all final documents to Community Development staff in a format acceptable to staff to be signed and submitted to the Weld County Clerk and Recorder's office for recording.
5. Criteria for Evaluation. The following criteria shall be used by Community Development staff to determine acceptance and possible approval of a Site Plan.
- a. The application materials have been prepared in conformance with the Site Plan procedural guide and the Land Use Code.
  - b. The lot size and lot dimensions are consistent with what is shown on the approved final plat, if applicable.
  - c. No buildings or structures infringe on any easements.
  - d. The proposed site grading is consistent with the requirements of the current City of Evans Master Drainage Plan and the City's Standards and Specifications.
  - e. The use, density and dimensions shown conform to the requirements as set forth in the appropriate zoning or to the approved PUD requirements.
  - f. The applicable design principles and Development Standards have been adequately addressed and the proposed improvements are in conformance.
  - g. All economic and service concerns regarding impact to City services have been addressed appropriately.
  - h. Site plans within approved planned unit developments.
    - 1. Site plan approval for properties and projects within an approved PUD are required unless a development agreement states otherwise to ensure that the approved design standards within the PUD are met.
    - 2. The review process for site plans within an approved PUD shall follow the standard Site Plan process with the addition below.
      - a. In the Project Description and as appropriate on the Site Plan, detail how the proposed structure is consistent with all applicable City plans, regulations and standards. The applicant shall include information on how the development meets the PUD standards.
6. Amendments to approved site plans.

- a. Minor variations in the location of structures, improvements, or open space areas caused by engineering or other unforeseen difficulties may be reviewed and approved by the Community Development Director. Such changes shall not exceed ten (10) percent of any measurable standard or modify the use, character or density of an approved site plan. All plans so modified shall be revised to show the authorized changes and shall become a part of the permanent records of the City.
- b. Changes to approved site plans that exceed the ten (10) percent threshold, or other major modifications (such as changes in building size or footprint, relocation of access points, changes to required parking, etc.), shall be considered as a new site plan application. A complete site plan application shall be prepared and submitted in compliance with the requirements set forth in this Chapter.
- c. For remodels and amendments to existing structures and properties without an approved site plan, applicants shall meet with the Community Development Department to determine if a Redevelopment Plan or Site Plan application is needed. Those properties must also adhere to the Land Use Code regarding maintenance, restoration and remodeling of legal non-conforming structures.

#### 18.06.60.F Special Uses Permits

1. Intent. To provide a review process for development of properties in the City of Evans, to promote orderly and sound development standards, and to enhance and protect the community's natural as well as manmade environments. The Special Use Permit process will evaluate the proposed land use and mitigating measures to eliminate negative impacts to other land uses, transportation systems, public facilities, or the like, in the surrounding neighborhood, thereby ensuring that the proposed Special Use will not harm the health, safety and welfare of the city and its residents. The Zone District Use Standards found in the Establishment of Zoning Districts Chapter of the Land Use Code specify which land uses may be contemplated through a Special Use Permit. Applications for a Special Use Permit shall illustrate conformance to the Zoning District the land use is proposed within, the Development Standards found in the Land Use Code, shall be compatible with surrounding and adjacent properties and the City's Standards and Specifications published through the City Engineering Department, and conform to applicable development guidelines associated with an approved subdivision or PUD the property is within.
2. Pre-Submittal Neighborhood Meeting. The applicant is strongly encouraged to meet with property owners adjacent to, and within five hundred (500) feet of the property prior to submitting an application to the City. ~~B6.~~ The applicant shall notify and meet with adjacent landowners and homeowners' associations concerning the special use application as required by staff.
3. Application Materials. The following application materials are required, unless waived at the time of the Pre-application Conference. The applicant shall submit application materials in accordance with the published procedural guide and Land Use Code. Staff reserves the right to request additional materials if during review, these materials are deemed necessary to complete the review process. The following materials are required for submission of a Special Use Permit Plan to the City:
  - b. Application form and checklist
  - c. Application fee(s)
  - d. Legal description of the property
  - e. Proof of landowner approval if applicant is not the landowner, and evidence of property ownership such as a title commitment current within thirty (30) days of submittal.
  - f. A written narrative describing the proposed land use, including the following items. The applicant may reference the Special Use Permit Map as appropriate to address the following:
    - i. The proposed land use and how the proposed use of the property is in conformance with the Zone District Use Standards and Dimensional Standards
    - ii. How the proposed land use will be compatible with existing uses and the zone district of adjacent properties
    - iii. A description of all structures to be built on the site, including size, quantity, use and the number of units per structure. For multi-family residential, the number of residential units and bedrooms per unit.
    - iv. Hours of operation
    - v. Number of employees and the type of activity. If the use is residential, the type of units and the number of each unit to be built shall be specified.
    - vi. How the Review Criteria will be met
    - vii. How the Development Standards will be complied with
    - viii. Adherence to Building and Fire Codes currently in place
    - ix. A statement explaining the phasing of the development.
    - x. Complete listing of landscape materials costs and installation costs including the irrigation system.
    - xi. If the project is within the US 85 Overlay District, a statement / illustration on the Special Use Permit map indicating how the proposal conform to the District standards

- xii. A statement of any known hazards and other important environmental conditions present on the property. If there are known hazards, a statement on how these will be mitigated inclusive of floodplain information.
  - xiii. For all commercial, industrial and multi-family applications, an economic impact report describing the impacts of the development on City services and tax base must be submitted. Information regarding the tax base should include anticipated revenues (annual sales, sales tax), jobs created, wage ranges, anticipated customer and where the customers will travel from, where will employees live, and how the responses differ from the previous use. If the application is part of a previously approved PUD and as part of the PUD approval process, there was an economic impact report submitted then no report is necessary. If there was not an economic impact report submitted as part of a PUD approval process, then an economic impact report is required.
- g. A Site Plan Map, required for all applications under this Chapter. The Site Plan Map shall be a minimum of twenty-four (24) inches by thirty-six (36) inches and shall provide the following information:
- a. Cover sheet
    - i. Title of Project
    - ii. Vicinity map
    - iii. Legal description and C4-property address
    - iv. North arrow, scale (no greater than 1" = 50') and date of preparation
    - v. Soils description and limitations
    - vi. The names, addresses, phone numbers and email addresses of the following:
      - 1. Surveyor
      - 2. Engineer
      - 3. Property Owner
      - 4. Easement or utility holders
    - vii. Certificate blocks
      - 1. Surveyor
      - 2. Engineer
      - 3. Property Owner
      - 4. Dedication Statement
      - 5. Community Development Director
      - 6. City Engineer
      - 7. Easement or utility holders
    - viii. Revision block
  - b. Site Plan
    - i. Lot size (square footage).
    - ii. Bearings and distances of all lot lines.
    - iii. Existing and proposed easements and rights-of-way
    - iv. Existing and proposed two-foot contours.
    - v. Trash disposal areas and enclosures including specifications for enclosures.

- vi. The distance from the proposed building or structure to adjacent lot lines, easements and adjacent structures.
- vii. Dimensioned setbacks, offsets and bufferyards.
  - 1. No building permit shall be issued for any building not in compliance with setbacks from any oil or gas well or ancillary equipment, as established in the Municipal Code.
  - 2. No building permit shall be issued for any building not in compliance with setbacks from any abandoned oil or gas wells as established in the Municipal, until and unless the applicant, by clear and convincing evidence, can demonstrate to the City Council that the well has been abandoned and plugged in accordance with all federal, state, and local laws and regulations and that the issuance of such permit will not endanger any person or property. The Council may require such independent tests and reports as it deems necessary prior to final consideration of such permit. If a permit is approved, the Council may impose such conditions as it deems necessary or advisable for the protection of persons and property.
- viii. Existing and proposed building footprints (square footage); building facades prepared according to the Development Standards.
  - 1. Footprint (including roof overhangs and eaves, decks, balconies, outside stairs and landings) of all proposed and existing structures and their use with their dimensions including height and locations noted with respect to the property lines.
- ix. The location of all public and private easements, utilities and encumbrances on the property.
- x. Location of all fire hydrants. If none exist on site, note distance and direction of the closest hydrant adjacent to the site within three hundred (300) feet.
- xi. Parking plan showing all spaces, landscaping and dimensions including required accessible parking
  - 1. Proposed traffic controls and striping for parking areas (all lanes, driveways and parking spaces must be dimensioned).
- xii. Existing and proposed paved areas and sidewalks on the site and in the adjacent rights-of-way, all dimensioned, showing how pedestrians will have access to the site and buildings.
- xiii. Gathering areas for people.
- xiv. Existing and proposed curb cuts on the site and in the adjacent rights-of-way (on both sides of perimeter streets), all dimensioned.
- xv. Existing waterways on or adjacent to the site.
- xvi. Sign and lighting plan prepared according to the Development Standards.
  - 1. Specifications for on-site signage including lights, type, height and general conformance to the Code.
  - 2. For commercial and industrial uses, a photometric plan prepared by a qualified electrical or lighting engineer shall be submitted that depicts all lighting fixtures and the light spread (in foot-candles) of these fixtures across the site to all property boundaries.
- xvii. Utility plan prepared according to the Development Standards.
  - 1. Location and size of existing and proposed water and sewer service connections and tap sizes (including those for irrigation systems).

2. Location and size of water and sewer lines to which the service connections will be or are made.
  3. Location and size of water meters.
  4. Location and size of backflow-prevention devices.
  5. Indication of how and where perimeter drain will drain (if one exists).
  6. Location of existing electrical lines and poles on or adjacent to the site.
  7. Location of proposed electrical service connection and meter location.
  8. Location of electric transformer.
  9. Grading Plan and Drainage Report prepared according to the City's Standards and Specifications including the location of detention/retention areas and storm sewer infrastructure with the required drainage easements.
- c. Landscaping and irrigation plan illustrating conformance with the Development Standards
  - d. Traffic Impact memo, report or study prepared according to the City of Evans Standards and Specifications.
  - e. A surrounding property owner report prepared by the applicant from a source acceptable to the City for those surrounding properties located within five hundred (500) feet of the subject property.
    - i. One (1) set of mailing labels for all property owners listed on the surrounding property owner report.
  - f. Results of the Pre-Submittal Neighbor Meeting.
  - g. A completed business license application or evidence a business license has been issued by the City of Evans along with evidence the business is in good standing with the City Finance Department.
4. Review Process. The following review process shall be followed.
- a. The applicant shall submit application materials in accordance with the published procedural guide and Land Use Code.
  - b. The submittal shall be reviewed by City Staff for completeness within ten (10) working days of submission. The applicant shall be notified of any inadequacies. An incomplete submittal shall not be processed.
  - c. Once the submittal is determined complete, Community Development staff shall distribute the application to referral agencies. Referral agencies will be provided with adequate time to review the submitted application materials and provide a response back to the Community Development department. The referral period is generally twenty-five (25) days..
  - d. Once the submittal is determined complete, Community Development staff shall post a sign on the property notifying the public of the pending application. It is the responsibility of the applicant to ensure the sign stays upright until the application review process is completed. The applicant shall remove the sign and dispose of the site upon approval or denial of the application.
  - e. Once the submittal is determined complete, Community Development staff shall notify surrounding property owners within five hundred (500) feet of the property.
  - f. Community Development staff shall consider the referral agency response(s) and comments provided by surrounding property owners. Referral agency response(s) and comments provided by surrounding property owners will be provided to the applicant to address. The applicant shall copy the Community Development staff on responses provided to illustrate intent of addressing comments received by referral agencies. Referral

agencies shall provide written comments back to the applicant and the City. The applicant is encouraged to meet with City staff to discuss the comments received.

- g. Community Development staff shall prepare a Staff Report and submit this to the applicant along with all referral agency responses and surrounding property owner concerns. Once all issues have been satisfactorily addressed, the staff shall notify the applicant of the scheduled date for the public hearing and time and prepare a staff report for the Planning Commission.
  - h. ~~B-10.~~ Public notice prior to the Planning Commission and City Council hearings shall be provided in compliance with the Notice Section of the Land Use Code.
  - i. ~~B-11~~ The Planning Commission shall evaluate the application, referral comments, staff report and public testimony, and recommend approval, approval with conditions, denial, or continue the hearing for additional information or further study. The burden shall be on the applicant to present sufficient evidence that the criteria for approval have been satisfied. The Planning Commission's decision shall be based on the evidence presented and compliance with the criteria for approval described below.
  - j. ~~B-12.~~ After the Planning Commission makes a recommendation on the application, the City Council shall hold a public hearing and consider the application at a regular or special meeting within thirty (30) days. The City Council shall approve, approve with conditions or deny the application. Any action on the application shall be made by resolution.
  - k. If approved or approved with conditions, the applicant shall address the comments in the Staff Report and City Council Resolution along with referral agency comments and surrounding property owner concerns. A written response by the application to the Community Development Department shall address these items.
  - l. A maximum of three (3) months will be granted to applicants to finalize their applications, address staff comments, referral agency comments and surrounding property owner concerns. Any project that is inactive for more than three (3) months from the date on the Resolution shall result in applications becoming permanently inactive and the applicant shall forfeit their fees.
  - m. If required, the applicant shall enter into a Site Improvement Agreement or a Development Agreement with the City. Community Development staff shall prepare the Agreement for the applicant to execute. Community Development staff shall establish a meeting date with City Council to discuss the Agreement.
  - n. Once all issues have been satisfactorily addressed, the applicant shall provide all final documents to the Community Development staff in a format acceptable to staff to be signed and submitted to the Weld County Clerk and Recorder's office for recording. Approval and any conditions of approval shall "run with the land," and shall apply to subsequent owners of the property, and shall not be transferable to any other property.
5. Criteria for Evaluation of Special Uses. All uses listed as those contemplated through the Special Use Permit process can be found in the use Standards Tables in the Establishment of Districts section of the Land Use Code. If a use is proposed that is not defined within this Code and does not reasonably fall within the definition of any defined use in the this Code, the property owner may apply for a special use approval in accordance with this Chapter. Criteria. The following criteria shall be used to evaluate special use applications:
- a. The proposed use is found to be unlikely to harm the health, safety or welfare of the City or its residents.
  - b. The proposed use would benefit the City in terms of employment, tax revenue or other similar effects, as compared to the absence of the proposed use. The proposed use will not cause an undue burden on the City to serve.
  - c. The proposed use shall be consistent with the Comprehensive Plan, Development Standards, the Master Drainage Plan, and any plan in effect at the time of application and shall be compatible with the surrounding area.

- d. The location, size, design and operating characteristics of the proposed use shall be compatible with the existing and proposed future land uses within the general area in which the proposed use is to be located and will not create significant noise, traffic or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity. Reasonable conditions may be placed on uses by special review to protect the public health, safety and welfare by mitigating impacts.
- e. The site shall be physically suitable for the type and intensity of the proposed land use.
- f. The proposed land use shall not adversely affect traffic flow and parking in the neighborhood.
- g. The location of other approved special uses in the neighborhood shall be determined, in order to avoid an over-concentration of such uses.
- h. Special Use Permits within approved planned unit developments.
  - 1. Special Use Permits for properties and projects within and approved PUD are required unless a development agreement states otherwise to ensure that the approved design standards within the PUD are met.
  - 2. The review process of approval within an approved PUD shall follow the standard Special Use Permit Plan process with the addition below.
    - a. In the Project Description and as appropriate on the Site Plan, detail how the proposed structure is consistent with all applicable City plans, regulations and standards. The applicant shall include information on how the development meets the PUD standards.
- i. Mini-storage units shall also comply with the following standards:
  - 1. Setbacks of buildings from all streets shall be a minimum of twenty-five (25) feet.
  - 2. A ten-foot-wide buffer area of natural growth, including trees and shrubs approved by the City, shall be installed and maintained along the entire length of any boundary of the development that is adjacent to a residentially zoned district, whether or not such boundary is separated by a street, alley or easement or other right-of-way. Such buffer may, if required by the City, include a six-foot-high screen composed of natural or manmade materials.
  - 3. Landscaping plans must be presented with the application and must be approved by City. Such plans must show the proposed types and locations of all natural plantings, ground coverings, and screening, including the size and number of trees.
  - 4. Architectural design plans and elevations must be presented with the application and must be approved by City. Architectural plans and elevations must indicate the size and locations of all structures including the proposed exterior design and wall and roof coverings of the buildings. Architectural plans will be examined to ensure that the proposed development's features such as height, length, facade, color, etc., are compatible with the surrounding area.
  - 5. No changes shall be made to any approved plans which would alter the character of the building(s) or use of the property without prior approval of the City Council.
  - 6. Exceptions to the mini-storage requirements may be granted provided all of the following criteria are met:
    - i. Such use is found to be compatible with the surrounding area;
    - ii. Such use shall not adversely affect the surrounding area;
    - iii. Such use shall not adversely affect the future development of the area;
    - iv. Due to the proposed geographical location of such use or other physical situation of the land or building, practical difficulty or unnecessary hardship which has not been self-imposed would deprive the owner/tenant of the property of the reasonable use of the site or portion of the site in question; and
    - v. The purpose and intent of this Code is maintained.
  - 7. Miscellaneous conditions within the "C" and "RC" zone districts:

- i. Within the mini-storage facility premises, uses such as distribution centers, assembly or manufacturing, retail sales or any use other than storage is prohibited, with the exception of the sale or rental of accessory items typically used for moving, including but not limited to boxes, hand-trucks and moving vans.
  - ii. Fully screened, outdoor storage for recreational vehicles, boats, vacant trailers (excluding mobile homes) and similar items that are well maintained and in good condition may be approved as part of the mini-storage unit facility. Plans for such screening must have the approval of the City. The maximum area of such outdoor storage use shall not exceed twenty-five (25) percent of the total site.
- j. Car wash facilities shall also comply with the following standards:
  - (1) Character of the area of the site, including proximity of residential property to the site and proximity of existing car wash facilities;
  - (2) Hours of operation;
  - (3) Presence or absence of a system for reclaiming and reusing water;
  - (4) Building height, including whether the facility would have the capability to service commercial vehicles and/or recreational vehicles (RVs);
  - (5) Site design, including orientation and distance of the wash bays to the nearest street;
  - (6) Any other factors which could serve to mitigate or aggravate the undesirable aspects of car wash facilities.
- k. Oil and gas facilities. Oil and gas facilities shall only be installed, erected and/or constructed in accordance with Section 18.06.080, Oil and Gas. Landscaping plans must be presented with the application and must be approved by City. Such plans must show the proposed types and locations of all natural plantings, ground coverings and screening, including the size and number of trees.
- l. Telecommunications facilities. Telecommunications facilities shall only be installed, erected and/or constructed in accordance with Section 18.06.070, Telecommunications.
- m. Outdoor Storage shall comply with the following standards:
  - 1. Reviewed through special use review process.
  - 2. Maximum outdoor storage as a primary use shall be limited to three (3) acres. If parcel is larger than three (3) acres, up to a maximum of three (3) acres may be used for outdoor storage use. The total of all tenant's outdoor storage shall not exceed three (3) acres.
  - 3. Special Use approval shall be for terms no longer than five (5) years; any extension beyond five (5) years shall require a new special use review application and review process.
  - 4. Design standards may be increased as a condition of approval, including but not limited to enhanced screening, landscaping, and limitations on height of material storage.
  - 5. Special Use Review approval may be transferred due to sale or lease of property, subject to storage of same material does not change.
- n. Business and industrial uses
  - 1. Notwithstanding any other provision in this Zoning Code, the City Council shall have the power to direct the location and regulate the use and construction of the following:
    - a. Breweries.
    - b. Distilleries.
    - c. Livery stables.
    - d. Blacksmith shops.
    - e. Foundries.

- f. Slaughterhouses and byproducts plants.
  - g. Packing houses.
  - h. Renderies.
  - i. Tallow candleries.
  - j. Bone factories.
  - k. Soap factories.
  - l. Tanneries.
  - m. Dehydrating plants.
  - n. Dairies.
  - o. Any offensive or unwholesome business or establishment.
2. Any business or establishment listed above shall first obtain specific permission from the City Council through the special use process before a building permit may be issued.

#### 6. Amendment, Expiration and Revocation.

1. Unless otherwise stated in the approving resolution, all special permits shall be subject to the provisions of Section 18.01.090.B.
2. Approval of any special use that is discontinued for three (3) or more consecutive months shall become null and void and such use shall not be allowed to recommence without again obtaining special use approval, unless otherwise stated in the approving resolution.
3. If, at any time, the owner or tenant of a property that has received a special use permit fails to comply with any condition of approval, or the application or testimony of an applicant is found to have been false or misleading, or the use differs from that which was approved, or the use causes legitimate complaints from others in the area of the use, the City Council may review the special use approval and may revoke such approval by resolution, after conducting a public hearing on the revocation. Notice of the public hearing shall be the same as is required in this Section for the public hearing on the initial application.
4. Amendments to approved special use permits.
  - a. Minor variations in the location of structures, improvements, or open space areas caused by engineering or other unforeseen difficulties may be reviewed and approved by the Community Development Director. Such changes shall not exceed ten (10) percent of any measurable standard or modify the use, character or density of an approved site plan. All plans so modified shall be revised to show the authorized changes and shall become a part of the permanent records of the City.
  - b. Changes to approved Special Use Permits that exceed the ten (10) percent threshold, or other major modifications (such as changes in building size or footprint, relocation of access points, changes to required parking, etc.), shall be considered as a new site plan application. A complete Special Use Permit application shall be prepared and submitted in compliance with the requirements set forth in this Chapter.
  - c. For remodels and amendments to existing structures and properties without an approved Special Use Permit, applicants shall meet with the Community Development Department to determine if a Redevelopment Plan or Site Plan application is needed. Those properties must also adhere to the Land Use Code regarding maintenance, restoration and remodeling of legal non-conforming structures.

18.08.010 - Purpose.

- A. The purpose of this Chapter is to establish minimum standards for all development in the City. These standards promote a high quality of design in order to protect the public health, safety and welfare; promote environmental protection and conservation; and preserve the quality of life for City residents and businesses.
- B. The City encourages the use of innovative design or development practices which further the goals of this Section. The standards included in this Article shall be the minimum standards applicable to all development in the City.

18.08.020 Development Standards

- A. Compliance with regulations. No Building Permit or Grading Permit shall be issued; no Development Agreement or Site Improvements Agreement shall be approved by Council; and no final plat, Special Use Permit, Site Plan or Redevelopment Plan will be accepted for recording unless it complies with the standards set out in this Chapter and the engineering criteria provided by the Public Works Department.

18.10.010 - Public hearing notice.

City staff shall provide notice of public hearings for the land use applications listed in accordance with the table below, and as described within this Chapter. City staff shall provide notice of land use applications which are approved through an administrative process listed in accordance with the table below, and as described within this Chapter:

Type of application	Notice required			
	Certified mail	Regular mail	Published notice	Sign notice
Annexation with or without concurrent Zoning Amendment	Required		Required	Required
Zoning Amendment	Required		Required	Required
Variance		Required	Required	Required
Special Use		Required	Required	Required
Site Plans and Redevelopment Plan		Required		Required
Preliminary Plan and Sketch Plan		Required		Required
Final Plat		Required	Required	Required
Planned Unit Development		Required	Required	Required
Replats		Required	Required for those with a land use hearing	Required

18.10.020 - Certified mail notice.

Notice of a public hearing for a land use application for which certified mail notice is indicated as "required" in the table of Section 18.10.010 shall be mailed via certified mail to owners of record within the distance specified in the appropriate application guidelines found in the Land Use Code. Such notice shall be mailed at least ten (10) days prior to the public hearing before the Planning Commission or Zoning Board of Appeals and at least ten (10) days prior to the public hearing before the Council.

18.10.030 - Regular mail notice.

Notice of a public hearing for a land use application for which regular mail notice is indicated as "required" in the table of Section 18.10.010 shall be mailed via regular, first-class, postage to owners of record of property within the distance specified in the appropriate application guidelines found in the Land Use Code. Such notice shall be mailed at least ten (10) days prior to the public hearing before the Planning Commission or Zoning Board of Appeals and at least ten (10) days prior to the public hearing before the Council.

18.04.030 - AG - Agricultural District.

- A. Those land uses which are contemplated in this Zone District are listed in the Zone District Use Standards table below. Those uses listed on the table below with a “P” require approval of either a Site Plan or Redevelopment Plan application. Those uses listed on the table below with a “S” require approval of a Special Use Pemrit. Land uses not specifically listed on the Table below shall be presumed to be prohibited.

<b>Agricultural Zone District Use Standards</b>	
<b>Land Use</b>	<b>Zone District</b>
	<b>Agricultural</b>
	<b>AG</b>
<b>P = Site Plan or Redevelopment Plan S= Special Uses [blank] = Prohibited Uses</b>	
Agriculture, many uses are allowed by right and do not require land use permitting per the Community Development Director’s descretion	p*
Dwelling, single-family, permitted through the Building Permit process accompanied with a Plot Plan	p*
Dwelling, manufactured home	p*
Dwelling, factory-built home	p*
School	P
Public service facilities	P
Accessory Uses	P
Animals confined	S
Cemetery	S
Kennel	S
Recreations facilities, outdoor extensive	S

Security residence	S*
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\* Maximum of one (1) dwelling unit per forty (40) acres.

18.04.040 - Public Facilities District.

B. Those land uses which are contemplated in this Zone District are listed in the Zone District Use Standards table below. Those uses listed on the table below with a “P” require either an approved Site Plan or Redevelopment Plan application. Those uses listed on the table below with a “S” require approval of a Special Use Pemrit.

<b>Public Facilities Zone District Use Standards</b>	
<b>Land Use</b>	<b>Zone District</b>
	<b>Public Facilities</b>
	<b>PF</b>
<b>P = Site Plan or Redevelopment Plan   S= Special Uses   [blank] = Prohibited Uses</b>	
Open space	P
Parking lot, off-street	P
Public service facilities	P
Transportation facilities	P

18.04.050 - Residential Districts.

H. Those land uses which are contemplated in this Zone District are listed in the Zone District Use Standards table below. Those uses listed on the table below with a “P” require approval of either a Site Plan or Redevelopment Plan application. Those uses listed on the table below with a “S” require approval of a Special Use Permit. Land uses not specifically listed on the Table below shall be presumed to be prohibited.

<b>Residential Zone Districts Use Standards</b>							
<b>Land Use</b>	<b>Zone District</b>						
	<b>Residential</b>						
	<b>R-1E</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>RC</b>	<b>RMFH<sup>*2</sup></b>	<b>RMH<sup>*</sup></b>
<b>P = Site Plan or Redevelopment Plan S= Special Uses [blank] = Prohibited Uses</b>							
Accessory building/structure	P	P	P	P	P	P	
Accessory use	P	P	P	P	P	P	
Community facilities	S	S	S	S	P	S	
Congregate residence				S	S		
Day care center	S	S	S	S	S	S	
Dwelling, single-family residential, permitted through the Building Permit process accompanied with a Plot Plan	P	P	P	P	P	P	
Dwelling, two-family			P	P	P		
Dwelling, multifamily				P	P		
Dwelling, condominium			P	P	P		
Dwelling, townhouse			P	P	P		
Factory-built home						P	
Farming	P	P	P	P	P	P	

Group homes	S	S	S	P	P	S	
Long-term care facilities	S	S	S	S	S	S	
Manufactured home						P	
Mini storage units					S		
Office and financial uses					P		
Personal service establishments					P		
Public service facilities	P	P	P	P	P	P	
Recreational facilities, indoor					S		
Recreational facilities, outdoor extensive	S	S	S	S	S	S	
Repair shops					S		
Retail uses, extensive					S		
Retail uses, intensive					P		
Research laboratory					S		
School	P	P	P	P	P	P	
Staff supervised residential facilities				P			
Telecommunication facilities	S			S	S		
Vocational schools					S		

\* Uses outlined in Chapter 18.04.090.

<sup>2</sup> All manufactured housing shall be installed in accordance with the ICBO Guidelines for Manufactured Housing Installation, as adopted by the City. Ownership of the structure and ownership of the lot shall be recorded as a single deed with Weld County, Colorado. Separate title to the structure shall not be permitted.

18.04.070 - Commercial Districts.

D. Those land uses which are contemplated in this Zone District are listed in the Zone District Use Standards table below. Those uses listed on the table below with a “P” require approval of either a Site Plan or Redevelopment Plan application. Those uses listed on the table below with a “S” require approval of a Special Use Permit. Land uses not specifically listed on the Table below shall be presumed to be prohibited.

<b>Commercial Zone Districts Use Standards</b>			
<b>Land Use</b>	<b>Zone District</b>		
	<b>Commercial</b>		
	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>
<b>P = Site Plan or Redevelopment Plan S= Special Uses [blank] = Prohibited Uses</b>			
Accessory use	P	P	P
Adult business, subject to licensing requirements			P
Car wash facilities			S
Cemetery			S
Commercial residence		S	P
Community facilities	P	P	S
Congregate residence	S	S	
Crematorium	P	P	P
Day care center	P	P	P
Hospital	S	S	P
Kennel	S	P	P
Long-term care facilities	S	P	P
Mini storage units	S	S	S

Mortuary or funeral home	P	P	P
Motor vehicle, recreational vehicle, boat, or utility vehicle, sales/rental of	S	P	P
Multifamily residential	S	S	S
Nightclub, bar, tavern		P	P
Office and financial uses	P	P	P
Parking lot, off-street	P	P	P
Personal service establishments	P	P	P
Public service facilities	P	P	P
Recreational facilities, indoor	P	P	P
Recreational facilities, intensive	S	P	P
Recreational facilities, outdoor extensive	P	P	P
Recreational vehicle storage			S
Recreational vehicle, (RV) park/campground			S
Repair shops	S	S	S
Research laboratory		S	P
Retail uses, extensive	S	P	P
Retail uses, intensive	P	P	P
School	P	P	P
Security residences	S	S	S
Staff supervised residential facilities	S		
Theater	P	P	P

Vocational school	S	S	S
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18.04.080 - Industrial Districts.

D. Those land uses which are contemplated in this Zone District are listed in the Zone District Use Standards table below. Those uses listed on the table below with a “P” require approval of either a Site Plan or Redevelopment Plan application. Those uses listed on the table below with a “S” require approval of a Special Use Permit. Land uses not specifically listed on the Table below shall be presumed to be prohibited.

<b>Industrial Zone Districts Use Standards</b>			
<b>Land Use</b>	<b>Zone District</b>		
	<b>Industrial</b>		
	<b>I-1</b>	<b>I-2</b>	<b>I-3</b>
<b>P = Site Plan or Redevelopment Plan S= Special Uses [blank] = Prohibited Uses</b>			
Accessory use	P	P	P
Adult business, subject to licensing requirements	P	P	P
Animals confined		S	S
Auction yard			S
Car wash facilities	S	S	S
Cemetery	S	S	S
Commercial residence		P	
Community facilities			
Congregate residence			
Crematoriums	P	P	P
Day care center			
Flammable liquids storage	P	P	P

Flea market	P	P	P
Hospital			
Industrial uses facility	P	P	P
Junkyards			S
Kennel	P	P	P
Livestock trailer washout			S
Long-term care facilities			
Manufacturing/assembly plant	P	P	P
Mini storage units	P	P	P
Mortuary or funeral home	P		
Multifamily residential			
Natural resource extraction and treatment			P
Office and financial uses	P	P	P
Outdoor Storage	*1	*1	*1
Parking lot, off-street	P	P	P
Personal service establishments	P	P	P
Public service facilities	P	P	P
Recreational facilities, indoor	S	S	S
Recreational facilities, intensive	P	P	P
Recreational facilities, outdoor extensive	P	P	P
Recreational vehicle storage	P	P	P

Recreational vehicle, (RV) park/campground	S	S	S
Recycling center			S
Repair shops	P	P	P
Research laboratory	P	P	P
Retail uses, extensive	P	P	P
Retail uses, intensive	P	P	P
School			
Security residences	S	S	S
Staff supervised residential facilities			
Theater			
Treatment of humans, restrained	S	S	S
Vocational school	S	S	S
Warehouse	P	P	P

\*1 Outdoor storage. Except by approval of a Special Use Permit issued in accordance with the Land Use Code. Outdoor storage shall only be allowed as an accessory use subordinate to the Principle use of the property in the zoning districts identified below and only in accordance with the following limitations:

1. No more than ten (10) percent of the area of any lot or parcel in the I-1 light industrial and C1 Low Intensity Commercial, 85-O Highway 85 Office District zoning districts may be used for outdoor storage.
2. No more than twenty (20) percent of the area of any lot or parcel in the I-2 medium industrial, C2 Medium Intensity Commercial, and 85 RC-N Highway 85 Retail and Commercial - Neighborhood District zoning districts may be used for outdoor storage.
3. No more than thirty (30) percent of the area of any lot or parcel in the I-3 Heavy Industrial, C3 High Intensity Commercial, and 85-RC-R Highway 85 Retail and Commercial - Regional Corridor zoning districts may be used for outdoor storage.

18.04.090 - Highway 85 Districts.

F. Those land uses which are contemplated in this Zone District are listed in the Zone District Use Standards table below. Those uses listed on the table below with a “P” require either an approved Site Plan or Redevelopment Plan application. Those uses listed on the table below with a “S” require approval of a Special Use Permit. Land uses not specifically listed on the Table below shall be presumed to be prohibited.

<b>Highway 85 Zone Districts Use Standards</b>				
<b>Land Use</b>	<b>Zone District</b>			
	<b>Highway 85</b>			
	<b>85-O</b>	<b>85-RC-N</b>	<b>85-RC-A</b>	<b>85-RC-R</b>
<b>P = Site Plan or Redevelopment Plan S= Special Uses [blank] = Prohibited Uses</b>				
Accessory use	P	P	P	P
Adult business, subject to licensing requirements				
Art, dance, music studio	*1	P		
Commercial residence			P	P
Community facilities	S	P		
Day care center	P	P		
Dwelling, townhouse		P		
Dwelling, condominium		P		
Home occupation		P		
Hospital	S			
Kennel		S		

Long-term care facilities	S			
Mini storage units	S			
Motor vehicle, recreational vehicle, boat, or utility vehicle, sales		S	P	S
Museum		S		
Nightclub, bar, tavern		P		
Office and financial uses	P	P	P	P
Oil and gas, related uses			S	S
Outdoor storage		S		S
Personal service establishments	P	P		P
Public service facilities	P			
Recreational facilities, indoor		P	P	P
Recreational facilities, intensive				S
Research laboratory	P			
Retail uses, extensive	1*	S		P
Retail uses, intensive	1*		P	P
Retail uses, intensive, small-scale	1*	P		P
School	S			
Theater			P	P
Vocational school	S			

\*1 These uses are permitted with the limitation that they comprise no more than fifteen (15) percent of the Total Gross Floor Area of the structure.

**ORDINANCE NO. 733-20**

**AN ORDINANCE AMENDING SECTIONS 18.06.060, 18.04.050.I, 18.03.010, 18.08.010, 18.10.010 AND CHAPTER 18.04 OF THE CITY OF EVANS MUNICIPAL CODE TO CLARIFY INTENT AND INCORPORATE A NEW LAND USE PROCESS (REDEVELOPMENT PLAN) INTO THE LAND USE CODE**

**WHEREAS**, the City Council of the City of Evans, Colorado, pursuant to Colorado statute and the Evans City Charter, is vested with the authority of administering the affairs of the City of Evans, Colorado; and

**WHEREAS**, Title 18 of the Evans Municipal Code addresses Land Development and in particular, Section 18.06.060 addresses certain land use applications; Table 18.04.050.I provides measurements, distances and dimensions in the Residential Zone District; Section 18.03.010 provides definitions; Chapter 18.08 provides direction for the intended application of Development Standards; Section 18.10.010 provides guidance for public notification; and Chapter 18.04 provides tables guiding land use in specific Zoning Districts; and

**WHEREAS**, Section 18.08.020 of the Evans Municipal Code establishes minimum design and development standards for all development in the City; and

**WHEREAS**, the mechanism for ensuring adherence to minimum design and development standards for all development in the City can be best attained through land use planning processes established in Title 18 of the Evans Municipal Code; and

**WHEREAS**, Plot Plans, Site Plans and Special Use Permits are land use permits available in the current Land Use Code and the City seeks to include a Redevelopment Plan process; and

**WHEREAS**, Plot Plans, Redevelopment Plans, Site Plans and Special Use Permits are best found together in one Section of Title 18 and should include intent, specify application materials needed for a complete application, clarify the application process and provide criteria for approval; and

**WHEREAS**, the Planning Commission has recommended amending several sections of the Land Use Code to clarify intent, provide criteria for approval, provide transparent application processing standards, and clarify accountability for future development in the City of Evans.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO AS FOLLOWS:**

**Section 1.** That the City of Evans Land Use Code, Chapter 18.06 is amended as follows:

Chapter 18.06. Annexation, ~~Zoning Amendments~~, and Land Use Permits ~~ing~~, ~~Zoning Amendments~~, and ~~Plot Plans~~

18.06.010 – Purpose and Intent. To establish regulations governing Annexation, ~~Zoning Amendments, and Land Use Permitting.~~ ~~and Land Use Permitting, Zoning Amendments, and Plot Plans.~~

18.06.060 - Land Use Permits.

- A. Intent. The intent of this Chapter is to provide the framework to evaluate land use permit applications inclusive of Plot Plans, Redevelopment Plans, Site Plans and Special Use Permits. Evaluation of applications will determine if the proposed land use has the potential to adversely affect other land uses, transportation systems, public facilities, or the like in the surrounding neighborhood and adjacent properties. Application materials, criteria for approval, adherence to the Development Standards, and the review process are further defined in this Section, thereby ensuring that if approved, the land uses proposed will not harm the health, safety and welfare of the City and its residents. The City Council may disapprove any such land use request or may impose conditions and safeguards as may be required to maintain the intent of this Land Use Code for those applications requiring City Council approval. The Community Development Director may disapprove any such land use request or may impose conditions and safeguards as may be required to maintain the intent of this Land Use Code for those applications requiring only administrative approval.
- B. Pre-application Conference. A Pre-application Conference with City staff is a prerequisite for all land use applications except for the submittal of the Plot Plan. The Pre-application Process is designed to provide the applicant with a means of understanding the City regulations, policies, and procedures prior to a formal submission of a land use application.
1. Prospective applicants will speak with Community Development staff to determine if the proposed land use meets the intent of the zone district the use is proposed within. The Community Development Department will determine if a pre-application Conference is necessary.
  2. Prospective applicants will complete a pre-application questionnaire and return this to the Community Development Department.
  3. The Community Development Department will review the pre-application questionnaire to determine the right composition of City staff and/or agencies to be present at the Pre-application Conference. The Community Development Department will schedule the conference with appropriate staff, agencies, and the prospective applicant.
  4. At the Pre-application Conference, City staff, agencies and the prospective applicant will have the opportunity for constructive dialogue regarding the proposed development. The prospective applicant will be provided with information to use in submitting a formal land use application to the City.
  5. Should the applicant decide to proceed with a formal land use application submittal, a complete application based upon the recommendations received as part of the Pre-application Conference, adherence to applicable Development Standards, and the application requirements outlined for each specific land use permit shall be provided to the Community Development Department.

6. Submittal of a complete land use application must occur within six (6) months of the Pre-application Conference. If a complete land use application is not submitted within that timeframe, then the applicant may be required to participate in a new pre-application Conference.

~~18.06.090.G~~ C. Plot plans for new single-family dwellings and duplexes.

1. Intent. A plot plan is required to apply for a building permit for all new single-family dwellings and duplexes, whether or not the property is located within an approved subdivision or PUD. The plot plan shows where the proposed building or structure will be located on the lot as well as the architectural design of the structure so the City can establish that the proposed location will comply with all applicable regulations.
2. Plot plan application.
  - a. Applicants shall submit the **building permit** application forms along with a plot plan map which shall provide the following information:
    - i. Title of project.
    - ii. North arrow, scale (1" = 20' or as approved by the City) and date of preparation.
    - iii. Name, address, phone number and email address of property owner.
    - iv. Lot number, block number and name of subdivision.
    - v. Lot size (square footage).
    - vi. Bearings and distances of all lot lines.
    - vii. Existing easements on the lot.
    - viii. Footprint of the proposed building or structure, dimensioned.
    - ix. Square footage of the proposed building and the footprint of the proposed building.
    - x. Distance from the proposed building or structure to all lot lines. **Building envelope in relationship to the setbacks, offsets and bufferyards, as applicable.**
    - xi. All existing buildings or structures on the lot.
    - xii. Driveway.
    - xiii. Existing and/or proposed water and sewer service lines on the lot.
    - xiv. Elevations of:
      - (1) The finished floor for the house and garage.
      - (2) The ground ten (10) feet away from the house and garage.
    - xv. Height of all proposed buildings.
    - xvi. The lot corners.

- xvii. Street trees (right-of-way landscaping).
  - xviii. Demonstrate in written and/or graphic form how the proposed structure is consistent with the Development Standards of this Land Use Code, the Zoning dimensional standards found in the Land Use Code, the City's Standards and Specifications published through the City Engineering Department, and development guidelines associated with an approved subdivision or PUD.
  - xix. Drainage information. Provide the City with information regarding how the lot will drain.
3. The submittal shall be reviewed for completeness within ten (10) working days. The applicant shall be notified of any inadequacies. An incomplete submittal shall not be processed. Staff will review the application for compliance with all applicable plans, standards and regulations and the criteria in Subsection 4 below. Staff shall approve, approve with conditions or deny the application through the Building Permit review process.
4. The plot plan must meet the following review criteria:
- a. All of the information needed on a plot plan is shown.
  - b. The lot size and lot dimensions are consistent with what is shown on the approved final plat.
  - c. No buildings or structures infringe on any easements.
  - d. The proposed site grading is consistent with Federal Housing Authority (FHA) standards (if insured by FHA) otherwise it shall meet City's approval.
  - e. The density and dimensions shown conform with the City's density and dimensional standards or the approved PUD requirements.
  - f. The applicable Development design Standards and regulations have been met for both the City and the PUD if applicable, including but not limited to architecture, size and landscaping.

#### D. Redevelopment Plan Regulations

1. Intent. To provide an administrative review process for the redevelopment of properties in the City of Evans. The Community Development Director shall determine whether a proposal for redevelopment requires either a Redevelopment Plan, Site Plan or a Special Use Permit. Applications for redevelopment shall illustrate conformance to the Zone District Use Standards found in the Establishment of Zoning Districts Chapter of the Land Use Code, the Development Standards found in the Land Use Code, compatibility with surrounding and adjacent properties, the City's Standards and Specifications published through the City Engineering Department, and applicable development standards associated with an approved subdivision or PUD the property is within. Parks, open space and trails may be permitted through the redevelopment process.

2. Pre-Submittal Neighbor Meeting. The applicant is strongly encouraged to meet with property owners adjacent to and within three hundred (300) feet of the property prior to submitting an application to the City.
3. Application Materials. The following application materials are required unless waived at the time of the Pre-application Conference. The applicant shall submit application materials in accordance with the published procedural guide. Staff reserves the right to request additional materials if, during review, these materials are deemed necessary to complete the review process.
  - a. Application form and checklist
  - b. Application fee(s)
  - c. Proof of landowner approval if the applicant is not the landowner and evidence of property ownership, such as a title commitment current within thirty (30) days of submittal.
  - d. A written narrative describing the proposed land use, including the following:
    - i. The proposed land use and how the proposed use of the property is in conformance with the Zone District Use Standards and Dimensional Standards
    - ii. How the proposed land use will be compatible with existing uses and the zone district of adjacent properties
    - iii. Hours of operation
    - iv. Number of staff
    - v. Access points, parking accommodation, and proposed traffic circulation
    - vi. How the Review Criteria will be met
    - vii. How the Development Standards will be complied with
    - viii. Identification of any known drainage concerns
    - ix. Adherence to Building and Fire Codes currently in place
    - x. Is the project within the US 85 Overlay District, and if so, how the proposal conforms to the District standards
    - xi. A statement on how known hazards will be mitigated
  - e. A surrounding property owner report prepared by the applicant from a source acceptable to the City for those surrounding properties located within three hundred (300) feet of the subject property.
  - f. A set of mailing labels for all property owners listed on the surrounding property owner report.
  - g. Results of the Pre-Submittal Neighborhood Meeting.
  - h. Redevelopment Plan exhibit (map) prepared in accordance with the direction provided in the Pre- Application Conference. This map may include landscaping, signage, fencing, access, for example, to illustrate conformance with the

Development Standards. Refer to the Site Plan map requirements in the Site Plan Section of this Chapter. At a minimum, a Redevelopment Plan shall include the following:

- i. Title of Project
  - ii. Legal Description/Property Address
  - iii. Certificate blocks
    1. Plan preparer
    2. Property Owner
    3. Community Development Director
    4. City Engineer
    5. Easement or utility holders
  - iv. Scale and North Arrow
  - v. Revision block
  - vi. Existing buildings, parking, access
  - vii. Drainage flow arrows
  - viii. Water quality features
  - ix. Landscaping and irrigation
  - x. Fencing
  - xi. Signage location and prototype
  - i. A completed business license application or evidence a business license has been issued by the City of Evans along with evidence the business is in good standing with the City Finance Department.
  - j. Additional information determined to be required at the pre-application conference.
4. Review Process. The following review process will be followed.
- a. The applicant shall submit application materials in accordance with the published procedural guide and Land Use Code.
  - b. The submittal shall be reviewed for completeness by City Staff within ten (10) working days of the submittal. The applicant shall be notified of any inadequacies. An incomplete submittal shall not be processed.
  - c. Once the submittal is determined complete, Community Development staff shall distribute the application to referral agencies. Referral agencies will be provided with adequate time to review the submitted application materials and provide a response back to the Community Development department.
  - d. Once the submittal is determined complete, Community Development staff shall post a sign on the property notifying the public of the pending application. It is the responsibility of the applicant to ensure the sign stays upright until the application

review process is completed. The applicant shall remove the sign and dispose of the site upon approval or denial of the application.

- e. Once the submittal is determined complete, Community Development staff shall notify surrounding property owners within three hundred (300) feet of the property.
  - f. Community Development staff shall consider the referral agency response(s) and comments provided by surrounding property owners. Referral agency response(s) and comments provided by surrounding property owners will be provided to the applicant to address. The applicant shall copy the Community Development staff on responses provided to illustrate the intent of addressing comments.
  - g. Community Development staff shall prepare a Staff Report and submit this to the applicant along with all referral agency responses and surrounding property owner concerns.
  - h. The applicant shall address the comments in the Staff Report along with referral agency comments and surrounding property owner concerns. A written response by the application to the Community Development Department shall address these items.
  - i. A maximum of three (3) months will be granted to applicants to finalize their applications, address staff comments, referral agency comments and surrounding property owner concerns. Any project that is inactive for more than three (3) months from the date on the Staff Report shall result in applications becoming permanently inactive, and the applicant shall forfeit their fees.
  - j. If required, the applicant shall enter into a Site Improvement Agreement or a Development Agreement with the City. Community Development staff shall prepare the Agreement for the applicant to execute. Community Development staff shall establish a meeting date with City Council to accept the Agreement.
  - k. Once all issues have been satisfactorily addressed, the applicant shall provide all final documents to Community Development staff.
5. Criteria for Evaluation. The following criteria shall be used by Community Development staff when evaluating an application for Redevelopment.
- a. The proposed redevelopment is consistent with:
    - i. The goals and policies of the Evans Comprehensive Master Plan
    - ii. The Zoning District the land use is proposed within
    - iii. The City's Standards and Specifications published through the City Engineering Department
    - iv. Development Standards found in the Land Use Code
    - v. Applicable Building and Fire Code standards
    - vi. Applicable development guidelines associated with an approved subdivision or PUD.
  - b. The proposed use has adequate infrastructure to support the use, such as water, sanitary sewer, non-potable water, stormwater, access, for example.

- c. The proposal is compatible with surrounding and adjacent properties. Potential nuisance conditions have been identified and addressed.
- d. All public notice requirements have been met.
- e. All applicable public dedication requirements, if any, have been satisfied.

~~18.06.090 Site Plan and Plot Plan Regulations~~ E Site Plan Regulations

1. ~~Intent. Purpose. It is the intent of this Section to~~ **To provide an administrative review process for development of properties in the City of Evans,** to promote orderly and sound development standards, and ~~as they apply to the City. Site development standards are intended~~ to enhance and protect the community's natural as well as manmade environments. Site Plan approval is required for a building permit for all multi-family developments **as well as all commercial and industrial development regardless of the need for a building permit.** ~~s as well as parks, open space and trails. The Zone District Use Standards found in the Establishment of Zoning Districts Chapter of the Land Use Code specify which land uses can be proposed through the Site Plan Review process. Applications for a Site Plan shall illustrate conformance to the Zoning District the land use is proposed within, the Development Standards found in the Land Use Code, and shall be compatible with surrounding and adjacent properties and the City's Standards and Specifications published through the City Engineering Department, and conform to applicable development guidelines associated with an approved subdivision or PUD the property is within.~~
2. ~~Pre-Submittal Neighbor Meeting. The applicant is strongly encouraged to meet with property owners adjacent to, and within five hundred (500) feet of the property prior to submitting an application to the City.~~
3. ~~Sketch Plan.~~
  - a. ~~If the property to be developed is larger than three (3) acres or the proposed building will be greater than ten thousand (10,000) square feet, the applicant will need to bring a sketch plan to the pre-application conference. The sketch plan shall be at least eleven (11) inches by seventeen (17) inches in size and include:~~
    - i. ~~Lot dimensions.~~
    - ii. ~~Building location and dimensions.~~
    - iii. ~~Parking information including number of proposed spaces and location.~~
    - iv. ~~Access points to adjacent streets.~~
    - v. ~~Location of both existing and proposed utilities and connections.~~
    - vi. ~~Proposed landscaping location and description.~~
    - vii. ~~A visual representation and written description of the proposed architectural details, including signs and lighting.~~
    - viii. ~~A written description of the proposed development.~~
3. ~~Application requirements~~ **Materials.** ~~After a pre-application conference, the applicant shall submit to the Community Development Department on~~ **3 (1) copy of the site plan applicant and all supporting documentation in paper and one(1) electronic copy of all submitted documents either via email, CD or flash drive. Included in the submission shall be a narrative that will enable the City staff to evaluate the impacts of the development on the City and include the**

~~following information:~~ The following application materials are required unless waived at the time of the pre-application conference. The applicant shall submit application materials in accordance with the published procedural guide. Staff reserves the right to request additional materials if, during review, these materials are deemed necessary to complete the review process. The following materials are required for submission of a Site Plan to the City:

- a. Application form and checklist
- b. Application fee(s)
- c. Legal description of the property
- d. Proof of landowner approval if the applicant is not the landowner and evidence of property ownership such as a title commitment current within thirty (30) days of submittal.
- e. A written narrative describing the proposed land use, including the following items. The applicant may reference the Site Plan Map as appropriate to address the following:
  - i. The proposed land use and how the proposed use of the property is in conformance with the Zone District Use Standards and Dimensional Standards
  - ii. How the proposed land use will be compatible with existing uses and the zone district of adjacent properties
  - iii. ~~d.~~ A description of all structures to be built on the site, including size, quantity, use and the number of units per structure. ~~C22.~~ For multi-family residential, the number of residential units and bedrooms per unit.
  - iv. Hours of operation
  - v. ~~3i~~ If the use is nonresidential, the **Number of employees** and the type of activity shall be specified. If the use is residential, the type of units and the number of each unit to be built shall be specified. ~~C21.~~ For commercial and industrial uses, the type of activity and number of employees.
  - vi. How the Review Criteria will be met
  - vii. How the Development Standards will be complied with
  - viii. Adherence to Building and Fire Codes currently in place
  - ix. ~~e.~~ A statement explaining the phasing of the development.
  - x. ~~3f.~~ Complete listing of landscape materials costs and installation costs, including the irrigation system.
    - i. If the project is within the US 85 Overlay District, a statement / illustration on the Special Use Permit map indicating how the proposal conforms to the District standards
  - xi. ~~b.~~ A statement of any known hazards and other important environmental conditions present on the property. **If there are known**

- hazards, a statement on how these will be mitigated inclusive of ~~€-~~ Floodplain information.
- ii. ~~3j~~ For all commercial, industrial and multi-family applications, an economic impact report describing the impacts of the development on City services and tax base must be submitted. **Information regarding the tax base should include anticipated revenues (annual sales, sales tax), jobs created, wage ranges, anticipated customer and where the customers will travel from, where will employees live, and how the responses differ from the previous use.** If the application is part of a previously approved PUD and as part of the PUD approval process, there was an economic impact report submitted then no report is necessary. If there was not an economic impact report submitted as part of a PUD approval process, then an economic impact report is required.
- f. **A Site Plan Map**, required for all applications under this Chapter. The Site Plan Map shall be a minimum of twenty-four (24) inches by thirty-six (36) inches and shall provide the following information:
- a. **Cover sheet**
    - i. ~~€1~~Title of Project
    - ii. ~~€3~~Vicinity map ~~showing aerial photos.~~
    - iii. ~~€5~~ Legal description and ~~€4~~property address
    - iv. ~~€2~~North arrow, scale (no greater than 1" = 50') and date of preparation
    - v. ~~3a~~Soils description and limitations
    - vi. **The names, addresses, phone numbers and email addresses of the following:**
      - 1. ~~€7~~Surveyor
      - 2. **Engineer**
      - 3. ~~€6~~Property Owner
      - 4. **Easement or utility holders**
    - vii. **Certificate blocks**
      - 1. ~~€38. — Certificate blocks for signatures of owner, engineer, surveyor and City approval, as applicable on all maps.~~
      - 1. Surveyor
      - 2. Engineer
      - 3. Property Owner
      - 4. **Dedication Statement**
      - 5. Community Development Director
      - 6. City Engineer

## 7. Easement or utility holders

### viii. Revision block

#### b. Site Plan

- i. ~~C8~~ Lot size (square footage).
- ii. ~~C9~~ Bearings and distances of all lot lines.
- iii. ~~C10~~ Existing and proposed easements and rights-of-way
- iv. ~~C15~~ Existing and proposed two-foot contours.
- v. ~~C26~~ Trash disposal areas and enclosures including specifications for enclosures.
- vi. ~~C37~~ The distance from the proposed building or structure to adjacent lot lines, easements and adjacent structures.

#### vii. Dimensioned setbacks, offsets and bufferyards.

1. No building permit shall be issued for any building not in compliance with setbacks from any oil or gas well or ancillary equipment, as established in the Municipal Code.
  2. No building permit shall be issued for any building not in compliance with setbacks from any abandoned oil or gas wells as established in the Municipal Code, until and unless the applicant, by clear and convincing evidence, can demonstrate to the City Council that the well has been abandoned and plugged in accordance with all federal, state, and local laws and regulations and that the issuance of such permit will not endanger any person or property. The Council may require such independent tests and reports as it deems necessary prior to final consideration of such permit. If a permit is approved, the Council may impose such conditions as it deems necessary or advisable for the protection of persons and property.
- viii. Existing and proposed building footprints (square footage); building facades prepared according to the Development Standards.
1. ~~C17~~ Footprint (including roof overhangs and eaves, decks, balconies, outside stairs and landings) of all proposed and existing structures and their use with their dimensions including height and locations noted with respect to the property lines. ~~C19~~. Square footage of the proposed building and the footprint of the proposed building. ~~C18~~ Existing structures and their use ~~C20~~ Proposed structure height
- ix. ~~3k~~ If there are any easements or public utilities on the property the applicant shall be responsible for submitting all plans for review and comment to the appropriate entity. The applicant shall submit all comments from easement holders and public utilities to the staff. **The**

location of all public and private easements, utilities and encumbrances on the property.

- x. ~~€35.~~ Location of all fire hydrants. If none exist on site, note distance and direction of the closest hydrant adjacent to the site within three hundred (300) feet.
- ~~xi. €11.~~ Parking plan showing all spaces, landscaping and dimensions including required accessible parking
  - 1. ~~€25.~~ Proposed traffic controls and striping for parking areas (all lanes, driveways and parking spaces must be dimensioned).
- ~~xii. €12.~~ Existing and proposed paved areas and sidewalks on the site and in the adjacent rights-of-way, all dimensioned, showing how pedestrians will have access to the site and buildings.
- ~~xiii. €13.~~ Gathering areas for people.
- ~~xiv. €14.~~ Existing and proposed curb cuts on the site and in the adjacent rights-of-way (on both sides of perimeter streets), all dimensioned.
- ~~xv. €16.~~ Existing waterways on or adjacent to the site.
- ~~xvi. €23.~~ ~~Location of proposed~~ **Sign and lightings plan prepared according to the Development Standards.**
  - 1. ~~€24.~~ ~~A completed~~ **Specifications for on-site signage permit,** including specifications for the signs and lights, including type, height, **placement** and general conformance to the Code.
  - 2. For **multi-family**, commercial and industrial uses, a photometric plan prepared by a qualified electrical or lighting engineer shall be submitted that depicts all lighting fixtures and the light spread (in foot-candles) of these fixtures across the site to all property boundaries.
- ~~xvii. €27.~~ **Utility plan prepared according to the Development Standards.**
  - 1. ~~€27.~~ Location and size of existing and proposed water and sewer service connections and tap sizes (including those for irrigation systems).
  - 2. ~~€28.~~ Location and size of water and sewer lines to which the service connections will be or are made.
  - 3. ~~€29.~~ Location and size of water meters.
  - 4. ~~€30.~~ Location and size of backflow-prevention devices.
  - 5. ~~€31.~~ Indication of how and where perimeter drain will drain (if one exists).
  - 6. ~~€32.~~ Location of existing electrical lines and poles on or adjacent to the site.

7. ~~€33.~~ Location of proposed electrical service connection and meter location.
  8. ~~€34.~~ Location of electric transformer.
- c. Grading Plan and Drainage Report prepared according to the City's Standards and Specifications inclusive of the ~~€36.~~ location of detention/retention areas and storm sewer infrastructure with the required drainage easements.
  - d. Landscaping and irrigation plan illustrating conformance with the Development Standards.
  - e. Traffic Impact memo, report or study prepared according to the City's Standards and Specifications.
  - f. A surrounding property owner report prepared by the applicant from a source acceptable to the City for those surrounding properties located within five hundred (500) feet of the subject property. ~~3f. A list of all landowners and addresses within five hundred (500) feet of the subject property.~~
    - i. One (1) set of mailing labels for all property owners listed on the surrounding property owner report.
  - g. ~~3l. If a neighborhood meeting is conducted, the information from the neighborhood meeting shall be submitted.~~ Results of the Pre-Submittal Neighbor Meeting.
  - h. A completed business license application or evidence a business license has been issued by the City of Evans along with evidence the business is in good standing with the City Finance Department.

4. Review Process. The following review process will be followed.

- a. The applicant shall submit application materials in accordance with the published procedural guide and Land Use Code.
- b. ~~4. City Staff shall review the application for~~ The submittal shall be reviewed by City Staff for completeness within ten (10) working days of submission. The applicant shall be notified of any inadequacies. An incomplete submittal shall not be processed. ~~The applicant shall be notified of any inadequacies. An incomplete submittal shall not be processed. If application is substantially different than the proposed application discussed at the pre-applicaition conference, City staff may require an additional pre-applicaition conference to discuss application.~~
- e. ~~5 Review and referral process.~~ a-Once the submittal is determined complete, Community Development staff shall distribute the application to referral agencies. Referral agencies will be provided with adequate time to review the submitted application materials and provide a response back to the Community Development department. The referral period is generally twenty-five (25) days. ~~will notify the applicant of the number of copies of the sketch plan required to be submitted for distribution to referral agencies. Referral packets, with all plan exhibits folded to nine (9) inches by twelve (12) inches, shall be~~

~~provided by the applicant to the Community Development Department. Community Development staff shall distribute the referral packets. The applicant shall distribute any revised plans, as required by staff.~~

- d. Once the submittal is determined complete, Community Development staff shall post a sign on the property notifying the public of the pending application. It is the responsibility of the applicant to ensure the sign stays upright until the application review process is completed. The applicant shall remove the sign and dispose of the site upon approval or denial of the application.
- e. Once the submittal is determined complete, Community Development staff shall notify surrounding property owners within five hundred (500) feet of the property.
- f. Community Development staff shall consider the referral agency response(s) and comments provided by surrounding property owners. Referral agency response(s) and comments provided by surrounding property owners will be provided to the applicant to address. The applicant shall copy the Community Development staff on responses provided to illustrate intent of addressing comments. The applicant is encouraged to meet with City staff to discuss the comments received. ~~5b The Community Development Department shall maintain and may amend from time to time a list of referral agencies. All sketch plan applications may be submitted to such departments and agencies for review and comment, if in the opinion of the Community Development Department, the agency may be affected by the application or if comments by the agency will ensure a thorough analysis of the application: 5c Referral agencies shall comment in writing within twenty five (25) working days of the agency receiving a complete submittal. The Community Development Department shall forward referral comments to the applicant in a timely manner. The failure of any agency to respond within twenty five (25) working days shall for the purpose of the hearings be considered no comment on the plan by that agency. The applicant is encouraged to meet with the planning staff, referral agencies and other interested parties to address any concerns.~~
- g. Community Development staff shall prepare a Staff Report and submit this to the applicant along with all referral agency responses and surrounding property owner concerns. ~~6. After the application is deemed complete and the process described in this section has been completed, tThe Community Development Department shall approve, approve with conditions, or deny the application.~~
  - i. ~~Post Approval actions 7a:~~ Denial of a site plan by City staff may be appealed to the City Council. Written notice of an appeal must be received by the City within ten (10) days of the date of staff's decision.
- h. If approved or approved with conditions, the applicant shall address the comments in the Staff Report along with referral agency comments and surrounding property owner concerns. A written response by the application to the Community Development Department shall address these items. ~~5d. The staff will review the referral comments and discuss the concerns with the applicant. The applicant shall address each issue identified by the referral~~

~~agencies and revise the plan as needed. The revised plan must comply with all technical and/or regulatory requirements of the referral agencies and shall include a narrative that addresses each revision. Referral agencies shall comment in writing within fifteen (15) working days of the agency receiving the revised plan. Should subsequent revisions be required, each revision shall follow the process described herein.~~

- i. A maximum of three (3) months will be granted to applicants to finalize their applications, address staff comments, referral agency comments and surrounding property owner concerns. Any project that is inactive for more than three (3) months from the date on the Staff Report shall result in applications becoming permanently inactive, and the applicant shall forfeit their fees.
- j. If required, the applicant shall enter into a Site Improvement Agreement or a Development Agreement with the City. Community Development staff shall prepare the Agreement for the applicant to execute. Community Development staff shall establish a meeting date with City Council to discuss the Agreement.
- k. Once all issues have been satisfactorily addressed, the applicant shall provide all final documents to Community Development staff in a format acceptable to staff ~~7b~~ Upon final approval by the City, the applicant shall submit two (2) original Mylars of the approved site plan to the City to be signed and submitted ~~then~~ to the Weld County Clerk and Recorder's office for recording.

~~5.D. Criteria for Evaluation. Review criteria.~~ The following criteria shall be used by Community Development staff to determine acceptance and possible approval of a Site Plan.

- a. The application materials have been prepared in conformance with the Site Plan procedural guide and the Land Use Code.
- b. The lot size and lot dimensions are consistent with what is shown on the approved final plat, if applicable.
- c. No buildings or structures infringe on any easements.
- d. The proposed site grading is consistent with the requirements of the current City of Evans Master Drainage Plan and the City's Standards and Specifications.
- e. The use, density and dimensions shown conform to the requirements as set forth in the appropriate zoning or to the approved PUD requirements.
- f. The applicable design principles and Development Standards have been adequately addressed and the proposed improvements are in conformance.
- g. All economic and service concerns regarding impact to City services have been addressed appropriately.
- h. Site plans within approved planned unit developments.
  1. Site plan approval for properties and projects within an approved PUD are required unless a development agreement states otherwise to ensure that the approved design standards within the PUD are met.

2. The review process for site plans within an approved PUD shall follow the standard Site Plan process ~~Subsection B~~ with the addition below.
    - a. ~~In addition to a written and graphic form~~ **In the Project Description and as appropriate on the Site Plan, detail** how the proposed structure is consistent with all applicable City plans, regulations and standards. ~~The~~ **the** applicant shall include information on how the development meets the PUD standards.
6. Amendments to approved site plans.
- a. Minor variations in the location of structures, improvements, or open space areas caused by engineering or other unforeseen difficulties may be reviewed and approved by the Community Development Director. Such changes shall not exceed ten (10) percent of any measurable standard or modify the use, character or density of an approved site plan. All plans so modified shall be revised to show the authorized changes and shall become a part of the permanent records of the City.
  - b. Changes to approved site plans that exceed the ten (10) percent threshold, or other major modifications (such as changes in building size or footprint, relocation of access points, changes to required parking, etc.), shall be considered as a new site plan application. A complete site plan application shall be prepared and submitted in compliance with the requirements set forth in this Chapter.
  - c. For remodels and amendments to existing structures and properties without an approved site plan, **applicants shall meet with the Community Development Department to determine if a Redevelopment Plan or Site Plan application is needed.** ~~Those~~ properties must also adhere to ~~the Land Use Code Section 18.05.040.D.~~ regarding maintenance, restoration and remodeling of legal non-conforming structures.

#### **18.06.60.F ~~18.06.060.~~ Special Uses Permit Regulations**

- ~~A.~~ **1. Intent.** ~~The intent of this Chapter is to provide for the evaluation of special land uses in order to determine if the use has the potential to adversely affect~~ **To provide a review process for development of properties in the City of Evans, to promote orderly and sound development standards, and to enhance and protect the community's natural as well as manmade environments. The Special Use Permit process will evaluate the proposed land use and mitigating measures to eliminate negative impacts to other land uses, transportation systems, public facilities, or the like, in the surrounding neighborhood, thereby ensuring that the proposed Special Use will not harm the health, safety and welfare of the city and its residents. The Zone District Use Standards found in the Establishment of Zoning Districts Chapter of the Land Use Code specify which land uses may be contemplated through a Special Use Permit. Applications for a Special Use Permit shall illustrate conformance to the Zoning District the land use is proposed within, the Development Standards found in the Land Use Code, shall be compatible with surrounding and adjacent properties and the City's Standards and Specifications published through the City Engineering Department, and conform to applicable development guidelines associated with an approved subdivision or PUD the property is within.**

2. **Pre-Submittal Neighborhood Meeting.** The applicant is strongly encouraged to meet with property owners adjacent to, and within five hundred (500) feet of the property prior to submitting an application to the City. ~~B6.~~ The applicant shall notify and meet with adjacent landowners and homeowners' associations concerning the special use application as required by staff.
3. **Application Materials.** The following application materials are required, unless waived at the time of the Pre-application Conference. The applicant shall submit application materials in accordance with the published procedural guide and Land Use Code. Staff reserves the right to request additional materials if during review, these materials are deemed necessary to complete the review process. The following materials are required for submission of a Special Use Permit Plan to the City:
  - b. Application form and checklist
  - c. Application fee(s)
  - d. Legal description of the property
  - e. Proof of landowner approval if applicant is not the landowner, and evidence of property ownership such as a title commitment current within thirty (30) days of submittal.
  - f. A written narrative describing the proposed land use, including the following items. The applicant may reference the Special Use Permit Map as appropriate to address the following:
    - i. The proposed land use and how the proposed use of the property is in conformance with the Zone District Use Standards and Dimensional Standards
    - ii. How the proposed land use will be compatible with existing uses and the zone district of adjacent properties
    - iii. A description of all structures to be built on the site, including size, quantity, use and the number of units per structure. For multi-family residential, the number of residential units and bedrooms per unit.
    - iv. Hours of operation
    - v. Number of employees and the type of activity. If the use is residential, the type of units and the number of each unit to be built shall be specified.
    - vi. How the Review Criteria will be met
    - vii. How the Development Standards will be complied with
    - viii. Adherence to Building and Fire Codes currently in place
    - ix. A statement explaining the phasing of the development.
    - x. Complete listing of landscape materials costs and installation costs including the irrigation system.

- xii. A statement of any known hazards and other important environmental conditions present on the property. If there are known hazards, a statement on how these will be mitigated inclusive of floodplain information.
  - xiii. For all commercial, industrial and multi-family applications, an economic impact report describing the impacts of the development on City services and tax base must be submitted. Information regarding the tax base should include anticipated revenues (annual sales, sales tax), jobs created, wage ranges, anticipated customer and where the customers will travel from, where will employees live, and how the responses differ from the previous use. If the application is part of a previously approved PUD and as part of the PUD approval process, there was an economic impact report submitted then no report is necessary. If there was not an economic impact report submitted as part of a PUD approval process, then an economic impact report is required.
- g. A Site Plan Map, required for all applications under this Chapter. The Site Plan Map shall be a minimum of twenty-four (24) inches by thirty-six (36) inches and shall provide the following information:
- a. Cover sheet
    - i. Title of Project
    - ii. Vicinity map
    - iii. Legal description and ~~€4~~property address
    - iv. North arrow, scale (no greater than 1" = 50') and date of preparation
    - v. Soils description and limitations
    - vi. The names, addresses, phone numbers and email addresses of the following:
      - 1. Surveyor
      - 2. Engineer
      - 3. Property Owner
      - 4. Easement or utility holders
    - vii. Certificate blocks
      - 1. Surveyor
      - 2. Engineer
      - 3. Property Owner
      - 4. Dedication Statement

5. Community Development Director
6. City Engineer
7. Easement or utility holders

viii. Revision block

b. Site Plan

- i. Lot size (square footage).
- ii. Bearings and distances of all lot lines.
- iii. Existing and proposed easements and rights-of-way
- iv. Existing and proposed two-foot contours.
- v. Trash disposal areas and enclosures including specifications for enclosures.
- vi. The distance from the proposed building or structure to adjacent lot lines, easements and adjacent structures.
- vii. Dimensioned setbacks, offsets and bufferyards.
  1. No building permit shall be issued for any building not in compliance with setbacks from any oil or gas well or ancillary equipment, as established in the Municipal Code.
  2. No building permit shall be issued for any building not in compliance with setbacks from any abandoned oil or gas wells as established in the Municipal, until and unless the applicant, by clear and convincing evidence, can demonstrate to the City Council that the well has been abandoned and plugged in accordance with all federal, state, and local laws and regulations and that the issuance of such permit will not endanger any person or property. The Council may require such independent tests and reports as it deems necessary prior to final consideration of such permit. If a permit is approved, the Council may impose such conditions as it deems necessary or advisable for the protection of persons and property.
- viii. Existing and proposed building footprints (square footage); building facades prepared according to the Development Standards.
  1. Footprint (including roof overhangs and eaves, decks, balconies, outside stairs and landings) of all proposed and existing structures and their use with their dimensions including height and locations noted with respect to the property lines.
- ix. The location of all public and private easements, utilities and encumbrances on the property.

- x. Location of all fire hydrants. If none exist on site, note distance and direction of the closest hydrant adjacent to the site within three hundred (300) feet.
- xi. Parking plan showing all spaces, landscaping and dimensions including required accessible parking
  - 1. Proposed traffic controls and striping for parking areas (all lanes, driveways and parking spaces must be dimensioned).
- xii. Existing and proposed paved areas and sidewalks on the site and in the adjacent rights-of-way, all dimensioned, showing how pedestrians will have access to the site and buildings.
- xiii. Gathering areas for people.
- xiv. Existing and proposed curb cuts on the site and in the adjacent rights-of-way (on both sides of perimeter streets), all dimensioned.
- xv. Existing waterways on or adjacent to the site.
- xvi. Sign and lighting plan prepared according to the Development Standards.
  - 1. Specifications for on-site signage including lights, type, height and general conformance to the Code.
  - 2. For commercial and industrial uses, a photometric plan prepared by a qualified electrical or lighting engineer shall be submitted that depicts all lighting fixtures and the light spread (in foot-candles) of these fixtures across the site to all property boundaries.
- xvii. Utility plan prepared according to the Development Standards.
  - 1. Location and size of existing and proposed water and sewer service connections and tap sizes (including those for irrigation systems).
  - 2. Location and size of water and sewer lines to which the service connections will be or are made.
  - 3. Location and size of water meters.
  - 4. Location and size of backflow-prevention devices.
  - 5. Indication of how and where perimeter drain will drain (if one exists).
  - 6. Location of existing electrical lines and poles on or adjacent to the site.
  - 7. Location of proposed electrical service connection and meter location.
  - 8. Location of electric transformer.

9. Grading Plan and Drainage Report prepared according to the City's Standards and Specifications including the location of detention/retention areas and storm sewer infrastructure with the required drainage easements.
  - c. Landscaping and irrigation plan illustrating conformance with the Development Standards
  - d. Traffic Impact memo, report or study prepared according to the City of Evans Standards and Specifications.
  - e. A surrounding property owner report prepared by the applicant from a source acceptable to the City for those surrounding properties located within five hundred (500) feet of the subject property.
    - i. One (1) set of mailing labels for all property owners listed on the surrounding property owner report.
  - f. Results of the Pre-Submittal Neighbor Meeting.
  - g. A completed business license application or evidence a business license has been issued by the City of Evans along with evidence the business is in good standing with the City Finance Department.
4. Review Process. The following review process shall be followed.

~~1. Pre-application Conference.~~

- ~~a. This stage of review is designed to provide the applicant with a means of understanding regulations, policies and procedures prior to any formal submission of a proposal being made and to learn who they have to contact and work within the process.~~
- ~~b. The applicant should make an appointment with the Community Development Department to discuss the proposal being considered. The Community Development Department should be provided with brief narrative to determine whether or not other agencies or departments need to be involved in the initial discussion.~~
- ~~c. The Community Development Department shall arrange for an informal meeting with a staff planner. The goal is to have constructive dialogue occur and for the applicant to receive some guidance on the request and the special use process.~~
- ~~d. Should the applicant decide to proceed further, formal submission of a complete application, based upon the recommendation of the Community Development Department, City regulations and the applicant's desires should then occur.~~
- ~~e. Submittal of a formal application must occur within six (6) months of the pre-application conference. If a formal application is not submitted within that timeframe, then the applicant must attend a new pre-application conference.~~
  - a. The applicant shall submit application materials in accordance with the published procedural guide and Land Use Code. B.2. After the pre-application conference, applicants shall submit one (1) copy of a special use application to the Community Development Department.

- b. ~~The submittal shall be reviewed by City Staff~~ for completeness within ten (10) working days of submission. The applicant shall be notified of any inadequacies. An incomplete submittal shall not be processed. ~~B.3.—City Staff shall review the application for completeness within ten (10) working days of submission. The applicant shall be notified of any inadequacies. An incomplete submittal shall not be processed. If application is substantially different than the proposed application discussed at the pre-applicaiton conference, City staff may require an additional pre-applicaiton conference to discuss application.~~
- c. ~~Once the submittal is determined complete, Community Development staff shall distribute the application to referral agencies. Referral agencies will be provided with adequate time to review the submitted application materials and provide a response back to the Community Development department. The referral period is generally twenty-five (25) days.~~~~B.4.—Once the submittal is determined complete, staff will notify the applicant of the number of copies of the application required to be submitted for distribution to referral agencies. Referral packets, with all exhibits folded to nine (9) inches by twelve (12) inches, shall be provided by the applicant to the Community Development Department. Community Development staff shall distribute the referral packets. The applicant shall distribute any revised plans, as required by staff.~~
- d. ~~Once the submittal is determined complete, Community Development staff shall post a sign on the property notifying the public of the pending application. It is the responsibility of the applicant to ensure the sign stays upright until the application review process is completed. The applicant shall remove the sign and dispose of the site upon approval or denial of the application.~~
- e. ~~Once the submittal is determined complete, Community Development staff shall notify surrounding property owners within five hundred (500) feet of the property.~~
- f. ~~Community Development staff shall consider the referral agency response(s) and comments provided by surrounding property owners. Referral agency response(s) and comments provided by surrounding property owners will be provided to the applicant to address. The applicant shall copy the Community Development staff on responses provided to illustrate intent of addressing comments received by referral agencies. Referral agencies shall provide written comments back to the applicant and the City. The applicant is encouraged to meet with City staff to discuss the comments received. B.5. All special use applications may be submitted to the following departments and agencies for review and comment, if in the opinion of the Community Development Department, the agency may be affected by the application or if comments by the agency will ensure a thorough analysis of the application:~~

~~(Insert list of referral agencies)~~

~~B.7. Referral agencies shall comment in writing within twenty five (25) days of the agency receiving a complete submittal. The Community Development Department shall forward referral comments to the applicant in a timely manner. The failure of any agency to respond within twenty five (25) days shall~~

~~for the purpose of the hearings be considered no comment on the plan by that agency. The applicant is encouraged to meet with the planning staff, referral agencies and other interested parties to address any concerns.~~

~~B.8. The staff will review the referral comments and discuss the concerns with the applicant. The applicant shall address each issue identified by the referral agencies and revise the application as needed. The revised application must comply with all technical and/or regulatory requirements of the referral agencies and shall include a narrative that addresses each revision. Referral agencies shall comment in writing within fifteen (15) days of the agency receiving the revised application. Should subsequent revisions be required, each revision shall follow the process described herein.~~

- g. **Community Development staff shall prepare a Staff Report and submit this to the applicant along with all referral agency responses and surrounding property owner concerns.** ~~B.9.~~ Once all issues have been satisfactorily addressed, the staff shall notify the applicant of the scheduled date for the public hearing and time and prepare a staff report for the Planning Commission.
- h. ~~B.10.~~ Public notice prior to the Planning Commission and City Council hearings shall be provided in compliance **with the Notice Section of the Land Use Code. Chapter 18.09.**
- i. ~~B.11~~ The Planning Commission shall evaluate the application, referral comments, staff report and public testimony, and recommend approval, approval with conditions, denial, or continue the hearing for additional information or further study. The burden shall be on the applicant to present sufficient evidence that the criteria **for approval** ~~contained in Subsection (C) below~~ have been satisfied. The Planning Commission's decision shall be based on the evidence presented and compliance with the criteria **for approval** ~~for special use described in Subsection (C) below.~~
- j. ~~B.12.~~ After the Planning Commission makes a recommendation on the application, the City Council shall hold a public hearing and consider the application at a regular or special meeting within thirty (30) days. The City Council shall approve, approve with conditions or deny the application. Any action on the application shall be made by resolution. ~~Approvals shall be recorded at the office of the Weld County Clerk and Recorder. Approval and any conditions of approval shall "run with the land," and shall apply to subsequent owners of the property, and shall not be transferable to any other property.~~
- k. **If approved or approved with conditions, the applicant shall address the comments in the Staff Report and City Council Resolution along with referral agency comments and surrounding property owner concerns. A written response by the application to the Community Development Department shall address these items.**
- l. **A maximum of three (3) months will be granted to applicants to finalize their applications, address staff comments, referral agency comments and**

surrounding property owner concerns. Any project that is inactive for more than three (3) months from the date on the Resolution shall result in applications becoming permanently inactive and the applicant shall forfeit their fees.

- m. If required, the applicant shall enter into a Site Improvement Agreement or a Development Agreement with the City. Community Development staff shall prepare the Agreement for the applicant to execute. Community Development staff shall establish a meeting date with City Council to discuss the Agreement.
- n. Once all issues have been satisfactorily addressed, the applicant shall provide all final documents to the Community Development staff in a format acceptable to staff ~~7b Upon final approval by the City, the applicant shall submit two (2) original Mylars of the approved site plan to the City to be signed and submitted then to the Weld County Clerk and Recorder's office for recording.~~ Approval and any conditions of approval shall "run with the land," and shall apply to subsequent owners of the property, and shall not be transferable to any other property.

5. ~~C.~~ Criteria for Evaluation of Special Uses. All uses listed as those contemplated through the Special Use Permit process can be found in the use Standards Tables in the Establishment of Districts section of the Land Use Code. ~~All special uses are listed within each zoning district.~~ If a use is proposed that is not defined within this Code and does not reasonably fall within the definition of any defined use in the this Code, the property owner may apply for a special use approval in accordance with this Chapter. ~~C.2.~~ Criteria. The following criteria shall be used to evaluate special use applications:

- a. The proposed use is found to be unlikely to harm the health, safety or welfare of the City or its residents.
- b. The proposed use would benefit the City in terms of employment, tax revenue or other similar effects, as compared to the absence of the proposed use. **The proposed use will not cause an undue burden on the City to serve.**
- c. The proposed use shall be consistent with the Comprehensive Plan, **Development Standards, the Master Drainage Plan, and any plan in effect at the time of application** and shall be compatible with the surrounding area.
- d. The location, size, design and operating characteristics of the proposed use shall be compatible with the existing and proposed future land uses within the general area in which the proposed use is to be located and will not create significant noise, traffic or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity. Reasonable conditions may be placed on uses by special review to protect the public health, safety and welfare by mitigating impacts.
- e. The site shall be physically suitable for the type and intensity of the proposed land use.
- f. The proposed land use shall not adversely affect traffic flow and parking in the neighborhood.
- g. The location of other approved special uses in the neighborhood shall be determined, in order to avoid an over-concentration of such uses.

- h. Special Use Permits within approved planned unit developments.
  - 1. Special Use Permits for properties and projects within and approved PUD are required unless a development agreement states otherwise to ensure that the approved design standards within the PUD are met.
  - 2. The review process of approval within an approved PUD shall follow the standard Special Use Permit Plan process with the addition below.
    - a. In the Project Description and as appropriate on the Site Plan, detail how the proposed structure is consistent with all applicable City plans, regulations and standards. The applicant shall include information on how the development meets the PUD standards.
- i. Mini-storage units shall also comply with the following standards:
  - 1. Setbacks of buildings from all streets shall be a minimum of twenty-five (25) feet.
  - 2. A ten-foot-wide buffer area of natural growth, including trees and shrubs approved by the City, shall be installed and maintained along the entire length of any boundary of the development that is adjacent to a residentially zoned district, whether or not such boundary is separated by a street, alley or easement or other right-of-way. Such buffer may, if required by the City, include a six-foot-high screen composed of natural or manmade materials.
  - 3. Landscaping plans must be presented with the application and must be approved by City. Such plans must show the proposed types and locations of all natural plantings, ground coverings, and screening, including the size and number of trees.
  - 4. Architectural design plans and elevations must be presented with the application and must be approved by City. Architectural plans and elevations must indicate the size and locations of all structures including the proposed exterior design and wall and roof coverings of the buildings. Architectural plans will be examined to ensure that the proposed development's features such as height, length, facade, color, etc., are compatible with the surrounding area.
  - 5. No changes shall be made to any approved plans which would alter the character of the building(s) or use of the property without prior approval of the City Council.
  - 6. Exceptions to the mini-storage requirements may be granted provided all of the following criteria are met:
    - i. Such use is found to be compatible with the surrounding area;
    - ii. Such use shall not adversely affect the surrounding area;
    - iii. Such use shall not adversely affect the future development of the area;
    - iv. Due to the proposed geographical location of such use or other physical situation of the land or building, practical difficulty or unnecessary hardship which has not been self-imposed would deprive the owner/tenant of the

property of the reasonable use of the site or portion of the site in question;  
and

v. The purpose and intent of this Code is maintained.

7. Miscellaneous conditions within the "C" and "RC" zone districts:

i. Within the mini-storage facility premises, uses such as distribution centers, assembly or manufacturing, retail sales or any use other than storage is prohibited, with the exception of the sale or rental of accessory items typically used for moving, including but not limited to boxes, hand-trucks and moving vans.

ii. Fully screened, outdoor storage for recreational vehicles, boats, vacant trailers (excluding mobile homes) and similar items that are well maintained and in good condition may be approved as part of the mini-storage unit facility. Plans for such screening must have the approval of the City. The maximum area of such outdoor storage use shall not exceed twenty-five (25) percent of the total site.

j. Car wash facilities shall also comply with the following standards:

(1) Character of the area of the site, including proximity of residential property to the site and proximity of existing car wash facilities;

(2) Hours of operation;

(3) Presence or absence of a system for reclaiming and reusing water;

(4) Building height, including whether the facility would have the capability to service commercial vehicles and/or recreational vehicles (RVs);

(5) Site design, including orientation and distance of the wash bays to the nearest street;

(6) Any other factors which could serve to mitigate or aggravate the undesirable aspects of car wash facilities.

k. Oil and gas facilities. Oil and gas facilities shall only be installed, erected and/or constructed in accordance with Section 18.06.080, Oil and Gas. Landscaping plans must be presented with the application and must be approved by City. Such plans must show the proposed types and locations of all natural plantings, ground coverings and screening, including the size and number of trees.

l. **Telecommunications facilities. Telecommunications facilities shall only be installed, erected and/or constructed in accordance with Section 18.06.070, Telecommunications.**

m. Outdoor Storage shall comply with the following standards:

1. Reviewed through special use review process.

2. Maximum outdoor storage as a primary use shall be limited to three (3) acres. If parcel is larger than three (3) acres, up to a maximum of three (3) acres may be used for outdoor storage use. The total of all tenant's outdoor storage shall not exceed three (3) acres.

3. Special Use approval shall be for terms no longer than five (5) years; any extension beyond five (5) years shall require a new special use review application and review process.
  4. Design standards may be increased as a condition of approval, including but not limited to enhanced screening, landscaping, and limitations on height of material storage.
  5. Special Use Review approval may be transferred due to sale or lease of property, subject to storage of same material does not change.
- n. ~~Business and industrial uses—oil and gas well locations.~~
1. Notwithstanding any other provision in this Zoning Code, the City Council shall have the power to direct the location and regulate the use and construction of the following:
    - a. Breweries.
    - b. Distilleries.
    - c. Livery stables.
    - d. Blacksmith shops.
    - e. Foundries.
    - f. Slaughterhouses and byproducts plants.
    - g. Packing houses.
    - h. Renderies.
    - i. Tallow candleries.
    - j. Bone factories.
    - k. Soap factories.
    - l. Tanneries.
    - m. Dehydrating plants.
    - n. Dairies.
    - o. Any offensive or unwholesome business or establishment.
  2. Any business or establishment listed above shall first obtain specific permission from the City Council through the special use process before a building permit may be issued.
6. E.—**Amendment**, Expiration and Revocation.
1. Unless otherwise stated in the approving resolution, all special permits shall be subject to the provisions of Section 18.01.090.B.
  2. Approval of any special use that is discontinued for three (3) or more consecutive months shall become null and void and such use shall not be allowed to recommence without again obtaining special use approval, unless otherwise stated in the approving resolution.

3. If, at any time, the owner or tenant of a property that has received a special use permit fails to comply with any condition of approval, or the application or testimony of an applicant is found to have been false or misleading, or the use differs from that which was approved, or the use causes legitimate complaints from others in the area of the use, the City Council may review the special use approval and may revoke such approval by resolution, after conducting a public hearing on the revocation. Notice of the public hearing shall be the same as is required in this Section for the public hearing on the initial application.
4. **Amendments to approved special use permits.**
  - a. Minor variations in the location of structures, improvements, or open space areas caused by engineering or other unforeseen difficulties may be reviewed and approved by the Community Development Director. Such changes shall not exceed ten (10) percent of any measurable standard or modify the use, character or density of an approved site plan. All plans so modified shall be revised to show the authorized changes and shall become a part of the permanent records of the City.
  - b. Changes to approved Special Use Permits that exceed the ten (10) percent threshold, or other major modifications (such as changes in building size or footprint, relocation of access points, changes to required parking, etc.), shall be considered as a new site plan application. A complete Special Use Permit application shall be prepared and submitted in compliance with the requirements set forth in this Chapter.
  - c. For remodels and amendments to existing structures and properties without an approved Special Use Permit, applicants shall meet with the Community Development Department to determine if a Redevelopment Plan or Site Plan application is needed. Those properties must also adhere to the Land Use Code regarding maintenance, restoration and remodeling of legal non-conforming structures.

**Section 2.** That the City of Evans Land Use Code, Section 18.04.050.I is amended as follows:

18.04.050. I. The purpose of this section is to set forth regulations governing lot size, lot coverage and setbacks, building height, and open space requirements and to encourage building and development design which is related to and compatible with its surroundings.

Residential Zone Districts Dimensional Standards (required minimum standard)								
Standard	R-1E	R1	R2	R3	RC-Res	RC-Com	RMFH	RMH
Setbacks from Lot Line								
Min. Front (feet)	25	25	25	25	25	25	20	18.04.060
Min. Side (feet)	10 * <sup>1</sup>	* <sup>3</sup>	* <sup>3</sup>	* <sup>3</sup>	* <sup>3</sup>	30 * <sup>65</sup>	* <sup>3</sup>	18.04.060
Min. Side Street (feet)	20	15	15	15	15	25	15	18.04.060
Min. Rear	30	20	20	20	20	30 * <sup>65</sup>	15	18.04.060
Max. Lot (size)	13,000 square feet	* <sup>4</sup>	* <sup>4</sup>	* <sup>4</sup>	* <sup>4</sup>	80%	* <sup>4</sup>	18.04.060
Min. Open Space (%)** <sup>6</sup>	N/A	N/A	45	45	45 (MF)	N/A	N/A	18.04.060
<b>Min. Zone District Area</b>	N/A	N/A	N/A	N/A	N/A	N/A	<b>*<del>5</del> 2 contiguous acres</b>	18.04.060
Max. Height (feet)	* <sup>2</sup>	* <sup>2</sup>	* <sup>2</sup>	* <sup>2</sup>	* <sup>2</sup>	35	* <sup>2</sup>	18.04.060

\*<sup>1</sup> = Ten (10) feet is the minimum side yard setback for homes that are fifteen (15) in height or less. For homes greater than fifteen (15) feet in height, this setback shall be an additional one (1) foot for each three (3) feet of building height or fraction thereof. Building height is measured from the peak or highest point of the roof to the surrounding grade.

\*<sup>2</sup> = Three (3) stories or thirty-five (35) feet, whichever is less.

\*<sup>3</sup> = Five (5) feet is the minimum side yard setback for homes that are fifteen (15) feet in height or less. For homes greater than fifteen (15) feet in height, this setback shall be an additional one (1) foot for each three (3) feet of building height or fraction thereof. Building height is measured from the peak or highest point of the roof to the surrounding grade.

\*<sup>4</sup> = ~~Two (2) times total floor area but not less than~~ The minimum lot size is six thousand (6,000) square feet, unless specified differently in a PUD Development Plan.

\*<sup>5</sup> = ~~Two (2) contiguous acres.~~

\*<sup>65</sup> = Setback from adjacent residentially zoned properties.

\*<sup>6</sup> = On each individual lot, this is the amount of property to be unencumbered by structures or impervious surface.

**Section 3.** That the City of Evans Land Use Code, Section 18.03.010 is amended as follows:

*Redevelopment* means any proposed change in use of existing structures or properties inclusive of an expansion, addition, façade change, parking facility, or increase to the impervious surface of a parcel of land. A non-conforming use, structure, property/lot or sign may be brought into conformity through the Land Use Permit process as long as the contemplated use is allowed in the Zone District it is proposed within.

**Section 4.** That the City of Evans Land Use Code, Section 18.08.010 is amended as follows:

18.08.010 - Purpose.

- A. The purpose of this Chapter is to establish minimum standards for all development in the City. These standards promote a high quality of design in order to protect the public health, safety and welfare; promote environmental protection and conservation; and preserve the quality of life for City residents and businesses.
- B. The City encourages the use of innovative design or development practices which further the goals of this Section. The standards included in this Article shall be the minimum standards applicable to all development in the City.

18.08.020 **Development** ~~Design~~ Standards

- A. Compliance with regulations. No **Building Permit or Grading Permit shall be issued; no Development Agreement or Site Improvements Agreement shall be approved by Council; and no final plat, Special Use Permit, Site Plan or Redevelopment Plan will be accepted for recording** ~~final plat shall be approved by the Council~~ unless it complies with the standards set out in this Chapter and the engineering criteria provided by the Public Works Department.

**Section 5.** That the City of Evans Land Use Code, Section 18.10.010 is amended as follows:

18.10.010 - Public hearing notice.

City staff shall provide notice of public hearings for the land use applications listed in accordance with the table below, and as described within this Chapter. **City staff shall provide notice of land use applications which are approved through an administrative process listed in accordance with the table below, and as described within this Chapter:**

Type of application	Notice required			
	Certified mail	Regular mail	Published notice	Sign notice
<b>Annexation with or without concurrent Zoning Amendment</b>	Required		Required	Required
Zoning Amendment	Required	<del>Required</del>	Required	Required
Variance	<del>Required</del>	Required	Required	Required
Special Use	<del>Required</del>	Required	Required	Required
Site Plans <b>and Redevelopment Plan</b>		Required		Required
Preliminary Plan <b>and Sketch Plan</b>		Required	<del>Required</del>	Required
Final Plat		Required	Required	Required
Planned Unit Development		Required	Required	Required
Replats		Required	Required for those with a land use hearing	Required

18.10.020 - Certified mail notice.

Notice of a public hearing for a land use application for which certified mail notice is indicated as "required" in the table of Section 18.10.010 shall be mailed via certified mail ~~and regular, first class, postage prepaid mail~~ to owners of record **within the distance specified in the appropriate application guidelines found in the Land Use Code.** ~~of property abutting the property for which the public hearing is to be held.~~ Such notice shall be mailed at least ten (10) days prior to the public hearing before the Planning Commission or Zoning Board of Appeals and at least ten (10) days prior to the public hearing before the Council.

18.10.030 - Regular mail notice.

Notice of a public hearing for a land use application for which regular mail notice is indicated as "required" in the table of Section 18.10.010 shall be mailed via regular, first-class, postage ~~prepaid mail~~ to owners of record of property **within the distance specified in the appropriate application guidelines found in the Land Use Code.** ~~within five hundred (500) feet of the property for which the public hearing is to be held, excluding owners of property mailed notice in accordance with the Section 18.10.020.~~ Such notice shall be mailed at least ten (10) days prior to the public hearing before the Planning Commission or Zoning Board of Appeals and at least ten (10) days prior to the public hearing before the Council.

**Section 6.** That the City of Evans Land Use Code, Land Use Tables found in Chapter 18.04 are amended as follows:

18.04.030 - AG - Agricultural District.

- A. Those land uses which are contemplated in this Zone District are listed in the Zone District Use Standards table below. Those uses listed on the table below with a “P” require approval of either a Site Plan or Redevelopment Plan application. Those uses listed on the table below with a “S” require approval of a Special Use Permit. ~~those which may be permitted through special use review, or land uses which are prohibited are shown in the table below.~~ Land uses not specifically listed on the Table below shall be presumed to be prohibited.

<b>Agricultural Zone District Use Standards</b>	
<b>Land Use</b>	<b>Zone District</b>
	<b>Agricultural</b>
	<b>AG</b>
<b>P = Permitted Uses Site Plan or Redevelopment Plan S= Special Uses [blank] = Prohibited Uses</b>	
Agriculture, many uses are allowed by right and do not require land use permitting per the Community Development Director’s discretion	P*
Dwelling, single-family, permitted through the Building Permit process accompanied with a Plot Plan	P*
Dwelling, manufactured home	P*
Dwelling, factory-built home	P*
School	P
Public service facilities	P
Accessory Uses	P
Animals confined	S
Cemetery	S
Kennel	S

Recreations facilities, outdoor extensive	S
Security residence	S*

\* Maximum of one (1) dwelling unit per forty (40) acres.

18.04.040 - Public Facilities District.

B. ~~Those land uses which are permitted, those which may be permitted through special use review, or land uses which are prohibited are shown in the table below. Land uses not specifically listed on the table below shall be presumed to be prohibited.~~ Those land uses which are contemplated in this Zone District are listed in the Zone District Use Standards table below. Those uses listed on the table below with a “P” require either an approved Site Plan or Redevelopment Plan application. Those uses listed on the table below with a “S” require approval of a Special Use Permit.

Public Facilities Zone District Use Standards	
Land Use	Zone District
	Public Facilities
	PF
<del>Permitted Uses</del> <b>P= Site Plan or Redevelopment Plan</b> <b>S= Special Uses</b> [blank] = <b>Prohibited Uses</b>	
Open space	P
Parking lot, off-street	P
Public service facilities	P
Transportation facilities	P

18.04.050 - Residential Districts.

H. ~~Those land uses which are permitted, those which may be permitted through special use review, or land uses which are prohibited are shown in the table below. Land uses not specifically listed on the table below shall be presumed to be prohibited.~~ Those land uses which are contemplated in this Zone District are listed in the Zone District Use Standards table below. Those uses listed on the table below with a “P” require approval of either a Site Plan or Redevelopment Plan application. Those uses listed on the table below with a “S” require approval of a Special Use Permit. Land uses not specifically listed on the Table below shall be presumed to be prohibited.

Residential Zone Districts Use Standards							
Land Use	Zone District						
	Residential						
	R-1E	R1	R2	R3	RC	RMFH*2	RMH*
<del>Permitted Uses</del> P=Site Plan or Redevelopment Plan      S= Special Uses      [blank] = Prohibited Uses							
Accessory building/structure	P	P	P	P	P	P	
Accessory use	P	P	P	P	P	P	
Community facilities	S	S	S	S	P	S	
Congregate residence				S	S		
Day care center	S	S	S	S	S	S	
Dwelling, single-family residential, permitted through the Building Permit process accompanied with a Plot Plan	P	P	P	P	P	P	
Dwelling, two-family			P	P	P		
Dwelling, multifamily				P	P		
Dwelling, condominium			P	P	P		
Dwelling, townhouse			P	P	P		

Factory-built home						P	
Farming	P	P	P	P	P	P	
Group homes	S	S	S	P	P	S	
Long-term care facilities	S	S	S	S	S	S	
Manufactured home						P	
Mini storage units					S		
Office and financial uses					P		
Personal service establishments					P		
Public service facilities	P	P	P	P	P	P	
Recreational facilities, indoor					S		
Recreational facilities, outdoor extensive	S	S	S	S	S	S	
Repair shops					S		
Retail uses, extensive					S		
Retail uses, intensive					P		
Research laboratory					S		
School	P	P	P	P	P	P	
Staff supervised residential facilities				P			
Telecommunication facilities	S			S	S		
Vocational schools					S		

\* Uses outlined in Chapter 18.04.090.

<sup>2</sup>All manufactured housing shall be installed in accordance with the ICBO Guidelines for Manufactured Housing Installation, as adopted by the City. Ownership of the structure and ownership of the lot shall be recorded as a single deed with Weld County, Colorado. Separate title to the structure shall not be permitted.

18.04.070 - Commercial Districts.

D. ~~Those land uses which are permitted, those which may be permitted through special use review, or land uses which are prohibited are shown in the table below. Land uses not specifically listed on the table below shall be presumed to be prohibited.~~ Those land uses which are contemplated in this Zone District are listed in the Zone District Use Standards table below. Those uses listed on the table below with a “P” require approval of either a Site Plan or Redevelopment Plan application. Those uses listed on the table below with a “S” require approval of a Special Use Permit. Land uses not specifically listed on the Table below shall be presumed to be prohibited.

Commercial Zone Districts Use Standards			
Land Use	Zone District		
	Commercial		
	C-1	C-2	C-3
<b>Permitted Uses</b> P=Site Plan or Redevelopment Plan S= Special Uses [blank] = <b>Prohibited Uses</b>			
Accessory use	P	P	P
Adult business, subject to licensing requirements			P
Car wash facilities			S
Cemetery			S
Commercial residence		S	P
Community facilities	P	P	S
Congregate residence	S	S	
Crematorium	P	P	P
Day care center	P	P	P
Hospital	S	S	P

Kennel	S	P	P
Long-term care facilities	S	P	P
Mini storage units	S	S	S
Mortuary or funeral home	P	P	P
Motor vehicle, recreational vehicle, boat, or utility vehicle, sales/rental of	S	P	P
Multifamily residential	S	S	S
Nightclub, bar, tavern		P	P
Office and financial uses	P	P	P
Parking lot, off-street	P	P	P
Personal service establishments	P	P	P
Public service facilities	P	P	P
Recreational facilities, indoor	P	P	P
Recreational facilities, intensive	S	P	P
Recreational facilities, outdoor extensive	P	P	P
Recreational vehicle storage			S
Recreational vehicle, (RV) park/campground			S
Repair shops	S	S	S
Research laboratory		S	P
Retail uses, extensive	S	P	P
Retail uses, intensive	P	P	P
School	P	P	P
Security residences	S	S	S

Staff supervised residential facilities	S		
Theater	P	P	P
Vocational school	S	S	S

18.04.080 - Industrial Districts.

D. ~~Those land uses which are permitted, those which may be permitted through special use review, or land uses which are prohibited are shown in the table below. Land uses not specifically listed on the Table below shall be presumed to be prohibited.~~ Those land uses which are contemplated in this Zone District are listed in the Zone District Use Standards table below. Those uses listed on the table below with a “P” require approval of either a Site Plan or Redevelopment Plan application. Those uses listed on the table below with a “S” require approval of a Special Use Permit. Land uses not specifically listed on the Table below shall be presumed to be prohibited.

Industrial Zone Districts Use Standards			
Land Use	Zone District		
	Industrial		
	I-1	I-2	I-3
<del>Permitted Uses</del> P=Site Plan or Redevelopment Plan S= Special Uses [blank] = Prohibited Uses			
Accessory use	P	P	P
Adult business, subject to licensing requirements	P	P	P
Animals confined		S	S
Auction yard			S
Car wash facilities	S	S	S
Cemetery	S	S	S

Commercial residence		P	
Community facilities			
Congregate residence			
Crematoriums	P	P	P
Day care center			
Flammable liquids storage	P	P	P
Flea market	P	P	P
Hospital			
Industrial uses facility	P	P	P
Junkyards			S
Kennel	P	P	P
Livestock trailer washout			S
Long-term care facilities			
Manufacturing/assembly plant	P	P	P
Mini storage units	P	P	P
Mortuary or funeral home	P		
Multifamily residential			
Natural resource extraction and treatment			P
Office and financial uses	P	P	P
Outdoor Storage	*1	*1	*1
Parking lot, off-street	P	P	P
Personal service establishments	P	P	P

Public service facilities	P	P	P
Recreational facilities, indoor	S	S	S
Recreational facilities, intensive	P	P	P
Recreational facilities, outdoor extensive	P	P	P
Recreational vehicle storage	P	P	P
Recreational vehicle, (RV) park/campground	S	S	S
Recycling center			S
Repair shops	P	P	P
Research laboratory	P	P	P
Retail uses, extensive	P	P	P
Retail uses, intensive	P	P	P
School			
Security residences	S	S	S
Staff supervised residential facilities			
Theater			
Treatment of humans, restrained	S	S	S
Vocational school	S	S	S
Warehouse	P	P	P

18.05.020.H. \*1 Outdoor storage. Except by approval of a Special Use Permit issued in accordance with the Land Use Code, Section 18.06.160, outdoor storage shall only be allowed as an accessory use subordinate to the Principle use of the property in the zoning districts identified below and only in accordance with the following limitations:

1. No more than ten (10) percent of the area of any lot or parcel in the I-1 light industrial and C1 Low Intensity Commercial, 85-O Highway 85 Office District zoning districts may be used for outdoor storage.
2. No more than twenty (20) percent of the area of any lot or parcel in the I-2 medium industrial, C2 Medium Intensity Commercial, and 85 RC-N Highway 85 Retail and Commercial - Neighborhood District zoning districts may be used for outdoor storage.
3. No more than thirty (30) percent of the area of any lot or parcel in the I-3 Heavy Industrial, C3 High

Intensity Commercial, and 85-RC-R Highway 85 Retail and Commercial - Regional Corridor zoning districts may be used for outdoor storage.

18.04.090 - Highway 85 Districts.

- F. ~~Those land uses which are permitted, those which may be permitted through special use review, or land uses which are prohibited are shown in the table below. Land uses not specifically listed on the table below shall be presumed to be prohibited.~~ Those land uses which are contemplated in this Zone District are listed in the Zone District Use Standards table below. Those uses listed on the table below with a “P” require either an approved Site Plan or Redevelopment Plan application. Those uses listed on the table below with a “S” require approval of a Special Use Permit. Land uses not specifically listed on the Table below shall be presumed to be prohibited.

Highway 85 Zone Districts Use Standards				
Land Use	Zone District			
	Highway 85			
	85-O	85-RC-N	85-RC-A	85-RC-R
<b>Permitted Uses P=Site Plan or Redevelopment Plan S= Special Uses [blank] = Prohibited Uses</b>				
Accessory use	P	P	P	P
Adult business, subject to licensing requirements				
Art, dance, music studio	*1	P		
Commercial residence			P	P
Community facilities	S	P		
Day care center	P	P		
Dwelling, townhouse		P		
Dwelling, condominium		P		

Home occupation		P		
Hospital	S			
Kennel		S		
Long-term care facilities	S			
Mini storage units	S			
Motor vehicle, recreational vehicle, boat, or utility vehicle, sales		S	P	S
Museum		S		
Nightclub, bar, tavern		P		
Office and financial uses	P	P	P	P
Oil and gas, related uses			S	S
Outdoor storage		S		S
Personal service establishments	P	P		P
Public service facilities	P			
Recreational facilities, indoor		P	P	P
Recreational facilities, intensive				S
Research laboratory	P			
Retail uses, extensive	1*	S		P
Retail uses, intensive	1*		P	P
Retail uses, intensive, small-scale	1*	P		P
School	S			
Theater			P	P
Vocational school	S			

\*1 These uses are permitted with the limitation that they comprise no more than fifteen (15) percent of the Total Gross Floor Area of the structure.

**Section 7.** Publication and Effective Date. This Ordinance, after its passage on final reading, shall be numbered, recorded, published, and posted as required by the City Charter and the adoption, posting, and publication shall be authenticated by the signature of the Mayor and City Clerk, and by the Certificate of Publication. This Ordinance shall become effective upon final passage.

**Section 8.** Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

**Section 9.** Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.

**INTRODUCED AND PASSED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF EVANS ON THIS 1<sup>ST</sup> DAY OF DECEMBER, 2020.**

**ATTEST:**

**CITY OF EVANS, COLORADO**

\_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
Brian Rudy, Mayor

**PASSED AND ADOPTED ON A SECOND READING THIS 15<sup>th</sup> DAY OF DECEMBER, 2020.**

**ATTEST:**

**CITY OF EVANS, COLORADO**

\_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
Brian Rudy, Mayor

CITY OF EVANS

CORRECTED NOTICE OF PUBLIC HEARING

NOTICE is hereby given, that the Evans Planning Commission and City Council will hold Public Hearings to receive input and comments on Ordinance Number 733-20 regarding a proposed Municipal Code Amendment to several Sections of the Municipal Code regarding land development processes and public notice requirements. A summary of the proposed amendments include: Repeal and Replacement of Sections 18.06.060, 18.06.070, 18.06.080 and 18.06.090 to create a unified Redevelopment process; to bring Plot Plans (18.06.090) and Site Plans (18.06.090) together with Special Use Permits (18.06.060) in one land use Chapter of the Code; Creation of a Redevelopment land use process; Amendment to the Residential Zone Districts Dimensional Standards and the Zoning Tables found in Chapter 18.04; Amendment to the Public Notice requirements found in Chapter 18.10; Addition to the Definitions found in Chapter 18.03; Clarification of the intent of Development Standards found in Chapter 18.08.

The City published a notice for a public hearing on October 16, 2020 notifying the public this change would be heard before Planning Commission on October 27, 2020 and before the City Council on November 17 and December 1, 2020. The dates for these public hearings has changed as detailed below.

Planning Commission will hear the proposed amendments on Tuesday, November 24, 2020 at 6 p.m. City Council will hear the proposed amendments on Tuesday, December 1, 2020 and Tuesday, December 15, 2020 starting at 7:00 P.M. Planning Commission and City Council meetings will be held at the Evans Community Complex, Council Chambers, 1100 37th Street, Evans, CO. All persons interested in this matter may be present and may be heard. Any interested person may also file support or objections to the proposed Municipal Code Amendments at any time prior to final adoption of the proposed amendment.

Additional information may be obtained from the Community Development Director, Anne Best Johnson, abjohnson@evanscolorado.gov, 1100 37th Street, Evans, Colorado, between the hours of 8:00 am and 5:00 pm, Monday through Friday. The full packet and agenda information will be available for review at: www.evanscolorado.gov

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Prairie Mountain Media, LLC

PUBLISHER'S AFFIDAVIT

County of Weld  
State of Colorado

The undersigned, Elizabeth Maes, being first duly sworn under oath, states and affirms as follows:

1. He/she is the legal Advertising Reviewer of Prairie Mountain Media LLC, publisher of the *Greeley Tribune*.
2. The *Greeley Tribune* is a newspaper of general circulation that has been published continuously and without interruption for at least fifty-two weeks in Weld County and meets the legal requisites for a legal newspaper under Colo. Rev. Stat. 24-70-103.
3. The notice that is attached hereto is a true copy, published in the *Greeley Tribune* in Weld County on the following date(s):

Oct 28, 2020

  
Signature

Subscribed and sworn to me before me this

29th day of October, 2020

  
Notary Public

MELISSA L NAJERA  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20064049936  
MY COMMISSION EXPIRES DECEMBER 11, 2022

(SEAL)

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